

EXHIBIT 12

***REDACTIONS APPLIED TO
CONFIDENTIAL INFORMATION**

1 MARK I. SOKOLOW, et al, * IN THE UNITED STATES
2 Plaintiffs, * DISTRICT COURT
3 vs. * FOR THE SOUTHERN
4 THE PALESTINE LIBERATION * DISTRICT OF NEW
5 ORGANIZATION, et al, * CIVIL ACTION NO.:
6 Defendants, * 04cv397 (GBD) (RLE)

7 * * * * *

8 VOLUME I of II

9 DEPOSITION OF:

10 DR. MATTHEW LEVITT,
11 was held on Tuesday, September 24, 2013,
12 commencing at 9:15 a.m., at Miller & Chevalier,
13 655 15th Street, N.W., Suite 900, Washington,
14 D.C., before Cheryl Jefferies, Certified
15 Shorthand Reporter.

16 * * * * *

MATTHEW LEVITT DEPOSITION September 24, 2013

Sokolow v. the PLO

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the PLAINTIFFS:</p> <p>4 BRIAN HILL, ESQ.</p> <p>5 KARA SCHMIDT, ESQ.</p> <p>6 ANDY WISE, ESQ.</p> <p>7 MILLER & CHEVALIER CHARTERED</p> <p>8 655 15th Street, N.W.</p> <p>9 Suite 900</p> <p>10 Washing, D.C. 20005</p> <p>11 (202) 626-6014</p> <p>12 E-mail: Bhill@milchev.com</p> <p>13</p> <p>14 On behalf of the DEFENDANTS:</p> <p>15 PHILIP W. HORTON, ESQ.</p> <p>16 ARNOLD & PORTER, LLP</p> <p>17 555 Twelfth Street, N.W.</p> <p>18 Washington, D.C. 20004</p> <p>19 (202) 942-5787</p> <p>20 E-mail: Philip_Horton@aporter.com</p> <p>21</p>	<p style="text-align: right;">Page 4</p> <p>1 P-R-O-C-E-E-D-I-N-G-S</p> <p>2 (Defendant's Deposition Exhibit Number</p> <p>3 182 was premarked for identification.)</p> <p>4 WHEREUPON --</p> <p>5 DR. MATTHEW LEVITT,</p> <p>6 a Witness called for examination, having been</p> <p>7 first duly sworn, was examined and testified as</p> <p>8 follows</p> <p>9 EXAMINATION</p> <p>10 BY MR. HILL:</p> <p>11 Q. Please tell us your name?</p> <p>12 A. Dr. Matthew Levitt.</p> <p>13 Q. What is your home address?</p> <p>14 A. 11408 Heathercrest Lane, Silver</p> <p>15 Spring, Maryland 20902.</p> <p>16 Q. What's your Social Security Number?</p> <p>17 A. [REDACTED] REDACTED</p> <p>18 Q. I'm showing you what we've marked as</p> <p>19 Defendant's Deposition Exhibit Number 182. Do</p> <p>20 you recognize that?</p> <p>21 A. Yes.</p>
<p style="text-align: right;">Page 3</p> <p>1 I-N-D-E-X</p> <p>2 Deposition of Dr. Matthew Levitt</p> <p>3 September 24, 2013</p> <p>4</p> <p>5 EXAMINATION BY: PAGE:</p> <p>6 Mr. Hill 4</p> <p>7</p> <p>8 EXHIBITS MARKED: PAGE:</p> <p>9 182 Expert Report 4</p> <p>10 183 CV 107</p> <p>11 184 USA Today Article 117</p> <p>12 185 Erased In A Moment Report 126</p> <p>13 186 Certificate of Translator 155</p> <p>14 187 Agence France Presse Report 186</p> <p>15 188 Salon.com Report 196</p> <p>16 189 BBC Report - 4/1/2004 210</p> <p>17 190 BBC News 216</p> <p>18</p> <p>19</p> <p>20 (Original Exhibits retained by counsel.)</p> <p>21</p>	<p style="text-align: right;">Page 5</p> <p>1 Q. What is it?</p> <p>2 A. This is my report.</p> <p>3 Q. Turn, if you will, to the last page.</p> <p>4 Is that your signature?</p> <p>5 A. It is. Messy, but it is.</p> <p>6 Q. Did you, in fact, sign Page 26 of this</p> <p>7 report on March 22nd of 2013?</p> <p>8 A. That's what it appears. That's what</p> <p>9 it's dated.</p> <p>10 Q. And was that signature with a pen or</p> <p>11 with a computer?</p> <p>12 A. This would be with a pen. I can't do</p> <p>13 that on a computer.</p> <p>14 Q. Look, if you will, at Page 1 of the</p> <p>15 report Roman Numeral Section I, Scope of</p> <p>16 Engagement. Does that, in fact, accurately</p> <p>17 describe the Scope of Engagement of your work in</p> <p>18 this case?</p> <p>19 A. Yes.</p> <p>20 Q. You indicate that you've been asked to</p> <p>21 provide expert testimony about the relationship</p>

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<p>1 between the Al, A-L, Aqsa, A-Q-S-A, Martyrs 2 Brigades (AAMB) and Fatah, F-A-T-A-H, and any 3 support by the PA and PLO for terrorism, 4 including by the AAMB, during the second 5 Intifada, also known as the al-Aqsa Intifada. 6 Isn't that in fact what you were asked 7 to do in connection with this case? 8 A. Correct. 9 Q. Did you in fact provide any opinions 10 about whether the PLO supported terrorism during 11 the second Intifada? 12 A. I have to check the report. 13 Q. Please do so. 14 A. Thanks. 15 (Witness Reviews Document.) 16 A. You mind if I doggie ear just because 17 this is the one that's actually marked? It's not 18 a problem? 19 Q. You can fold it down if you'd like. 20 A. So the answer is: There's not a 21 section dedicated to the PLO as such. The PLO</p>	<p>1 the PLOCCA -- all caps P-L-O-C-C-A -- reports, 2 assessing PLO and PA compliance with commitments 3 made under the peace accords. And there are 4 several references here to PA and PLO. 5 Q. Okay. Any other instances where you 6 believe you've in the report expressed an opinion 7 about whether the PLO supported terrorism during 8 the second Intifada? 9 A. So it continues throughout. It's not 10 just Page 20, that section. So Page 21 we have 11 references to the PLO, Page 22. 12 Q. Is that it? 13 A. Yeah. 14 Q. Have you ever been a citizen of any 15 country other than the United States? 16 A. No. 17 Q. You ever applied for citizenship in 18 any nation other than the United States? 19 A. No. When I was young, my family lived 20 in Israel for a littler over two years. My 21 father worked for an American company there. I</p>
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<p>1 comes up in the course of the discussion of PA 2 and Fatah, same as Fatah, F-A-T-A-H, because of 3 the close relationship between the PLO and the 4 PA, and the PLO and Fatah. So throughout the 5 report there are will references to the PLO, but 6 there's not a section on the PLO as such. 7 Q. Can you point me to an instance in the 8 report when you do offer an opinion about what 9 the PLO supported terrorism during the second 10 Intifada? 11 A. So for example on Page 15, first full 12 paragraph: "In addition to its intimate ties to 13 Fatah, the dominant faction within the PLO, the 14 Al-Aqsa Martyrs Brigades is also closely linked 15 to the PA and the various Palestinian security 16 forces." So we make reference to the PLO there. 17 Q. Okay. 18 A. And if you go to Page 20 where we 19 start the section entitled "Palestinian Authority 20 control over PA security forces during the 21 2000-2002 period," so there's reference here to</p>	<p>1 was never a citizen but, apparently, lived there 2 long enough to get the Israeli equivalent of a 3 Social Security Number. 4 Q. Have you ever lived in any country 5 other than the U.S. or Israel? 6 A. No. 7 Q. Have you ever resided in Israel other 8 than the period that you've just described? 9 A. I was in school there for the academic 10 year -- a gap year after high school, so '88, 11 '89, and then a third semester. So I guess that 12 was through about January 1990, with breaks 13 coming home. 14 Q. So you resided in Israel between 1988 15 and 1990 after high school; is that what you're 16 say? 17 A. Yes, and as a student. 18 Q. Where did you live? 19 A. I was in Jerusalem. 20 Q. What institution or institutions did 21 you attend?</p>

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<p>1 A. I took a gap year for religious study, 2 so it was a religious school called -- and I'll 3 spell it for you -- Yeshivat Hakotel, 4 Y-E-S-H-I-V-A-T, which basically means school of, 5 H-A-K-O-T-E-L, which means The Kotel. The Kotel 6 is the western wall. It's a school in the Old 7 City of Jerusalem. 8 Q. And you were enrolled in that 9 institution between 1988 and 1990? 10 A. Yes, and that was in concert with my 11 undergraduate studies at Yeshiva University. 12 Q. Did you receive any sort of degree or 13 certificate from the school in Jerusalem? 14 A. No. I got credit at Yeshiva 15 University for studies there, and that's part of 16 the Yeshiva University transcript. 17 Q. Any other occasions where you've 18 resided in Israel other than those you've 19 described today? 20 A. No. 21 Q. Do you currently have any family in</p>	<p>1 here. And I left in I think it was November 2 2001. 3 Q. Any other occasions when you've held a 4 security clearance from the United States? 5 A. So first of all, in the interim the 6 security clearance, you know, it's a five year 7 SSB review, so it continued a little while. So 8 then I went back to government later as the 9 Deputy Assistant Secretary for Intelligence and 10 Analysis at the Treasury Department across the 11 street, and that was in 2005, I think also 12 November. And I left in, I think it was January 13 2007. 14 Q. When did the clearance that you first 15 obtained in 1998 expire or otherwise lapse? 16 A. Probably five years later. 17 Q. So you believe you had a security 18 clearance from approximately 1998 until 2003? 19 A. It's not entirely clear. When you 20 leave, you do sign out of certain things, you 21 sign out of certain clearances, so I'm not clear.</p>
Page 11	Page 13
<p>1 Israel, the West Bank, or Jerusalem? 2 A. No. I mean, I think I may have some 3 distant family I don't know about. But my wife 4 has family in Jerusalem, a great uncle, and she 5 has some cousins, and I don't know where all they 6 live. We're not particularly close. 7 Q. Have you ever had a security 8 clearance? 9 A. I have. 10 Q. From what country or countries have 11 you received a security clearance? 12 A. The United States. 13 Q. Any others? 14 A. No. 15 Q. When did you receive the security 16 clearance from the U.S.? 17 A. My first clearances came when I worked 18 at the FBI, so that was I think -- no, the 19 specific dates are on the report, but I think 20 it's November '98 is when I started. And I left 21 the Bureau in I think -- anyway, the dates are in</p>	<p>1 I don't think it was active, but the five-year 2 review would have been active. So there have 3 been times when, for specific consultancy that I 4 do for the government, I'll get read-in sometimes 5 just for the day, and then read-out. And they 6 can do that so long as those five-year reviews 7 are still in standing, good standing. 8 Q. Were there occasions between the time 9 you left the FBI in 2001, and the time that the 10 clearance you received as a result of your FBI 11 clearance ultimately lapsed, that you read-in and 12 received classified information? 13 A. No. 14 Q. So your testimony is that after you 15 left the FBI, you did not receive any further 16 classified information? 17 A. That's right. 18 Q. Have you ever used the process you've 19 just described of reading-in to receive 20 classified information while you were not a 21 government employee?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. Okay. When was that?</p> <p>3 A. Over the past few years. I don't have</p> <p>4 dates.</p> <p>5 Q. Was it after your stint at Treasury?</p> <p>6 A. Yes.</p> <p>7 Q. But you're testifying that did not</p> <p>8 happen between the time you left the FBI and the</p> <p>9 time you started at Treasury?</p> <p>10 A. Correct, to the best of my knowledge.</p> <p>11 Certainly no case where I was just kind of</p> <p>12 read-in and read-out for the day. I don't think</p> <p>13 there was any instance when I saw classified</p> <p>14 information between the FBI and Treasury.</p> <p>15 Q. Okay. What level of clearance did you</p> <p>16 receive when you worked at the FBI?</p> <p>17 A. TSSCI.</p> <p>18 Q. And what level of clearance did you</p> <p>19 receive when you worked at Treasury?</p> <p>20 A. The same.</p> <p>21 Q. And for the record, TSSCI, is that the</p>	<p style="text-align: right;">Page 16</p> <p>1 have you viewed classified information?</p> <p>2 A. Well, I can't go into the details of</p> <p>3 all of them, but I can put it to you this way:</p> <p>4 Sometimes the government, after the</p> <p>5 intelligence reform and Terrorism Prevention Act</p> <p>6 and the effort, post the Iraq war, to fix some of</p> <p>7 the intelligence and the local shortcomings, one</p> <p>8 of the things that was instituted was requirement</p> <p>9 for certain types of finished products to bring</p> <p>10 in an outside reader or outside readers. So I've</p> <p>11 been asked to do that.</p> <p>12 I also served as an advisor to General</p> <p>13 Jones at the end of the Bush Administration,</p> <p>14 before he was brought on as the National Security</p> <p>15 Advisor in the Obama Administration. President</p> <p>16 Bush had made him one of three different Middle</p> <p>17 East envoys to promote the Israeli-Palestinian</p> <p>18 Peace Process. General Dayton was the more</p> <p>19 famous. General Frazier was the least famous.</p> <p>20 General Jones was somewhere in the middle.</p> <p>21 And I was brought on as what's called</p>
<p style="text-align: right;">Page 15</p> <p>1 highest level of clearance?</p> <p>2 A. In laymen's terms, yes. There are</p> <p>3 lots of additional clearances and read-ins, so</p> <p>4 doesn't mean you get to see everything. Even if</p> <p>5 you have all the clearances, there's a need to</p> <p>6 know. You don't get to see everything. But in</p> <p>7 simple terms, it is the highest. There are</p> <p>8 actually higher. But, yes.</p> <p>9 Q. Okay. After you left Treasury in</p> <p>10 2007, did you ever receive any classified</p> <p>11 information?</p> <p>12 A. So I have seen classified information.</p> <p>13 I have not received. That is to say, I don't get</p> <p>14 it in my office. My office is not classified</p> <p>15 space. So there have been instances since then</p> <p>16 where I've been asked to do a consultancy for the</p> <p>17 government limited in time and scope, and have</p> <p>18 been allowed to, or asked to see classified</p> <p>19 information and comment on classified</p> <p>20 information.</p> <p>21 Q. In connection with what consultancies</p>	<p style="text-align: right;">Page 17</p> <p>1 a part-time government employee, which means that</p> <p>2 it's a certain number of hours, most of it is not</p> <p>3 in the State Department. No classified</p> <p>4 information ever came to me in my office, but</p> <p>5 there were times when I was asked to review</p> <p>6 classified information not in my office.</p> <p>7 That, of course, has to remain</p> <p>8 classified; I'm not allowed to use it for any</p> <p>9 work I do, not for a case like this, a book or</p> <p>10 anything. And I signed that away many times</p> <p>11 over.</p> <p>12 Q. Dr. Levitt, as you may know, by rule</p> <p>13 we have a limited amount of time to examine you</p> <p>14 in the case. Do you understand that?</p> <p>15 A. I think you have seven hours or</p> <p>16 something like that.</p> <p>17 Q. So I'd ask you to try and confine your</p> <p>18 answers to the questions I ask because we don't</p> <p>19 want to run the clock out, if you understand.</p> <p>20 A. Absolutely. I thought I was answering</p> <p>21 your question, and if you feel I'm not, feel free</p>

<p style="text-align: right;">Page 18</p> <p>1 to interrupt me.</p> <p>2 Q. Let me pose a different question:</p> <p>3 Did any of the consultancies you've</p> <p>4 just described, where you received classified</p> <p>5 information from the United States, relate to the</p> <p>6 Scope of Engagement in this case as described in</p> <p>7 Roman Numeral I of your report?</p> <p>8 A. None of the classified information I</p> <p>9 reviewed focused on the time period here.</p> <p>10 Q. So is the answer no?</p> <p>11 A. And some of the classified</p> <p>12 information, though not included here, or in any</p> <p>13 way relevant to the report, did involve issues</p> <p>14 related to the peace process and terrorism in the</p> <p>15 peace process, but not in the scope of time that</p> <p>16 we're talking about here.</p> <p>17 Q. So let me ask you some more specific</p> <p>18 questions about that in light of that answer:</p> <p>19 While you were consulting for the</p> <p>20 United States and receiving classified</p> <p>21 information, did you ever see any classified</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. You're refusing to answer the question</p> <p>2 because that is a classified area?</p> <p>3 A. I wouldn't say refusing. I'm</p> <p>4 declining, because to get into the details of the</p> <p>5 classified information I saw, is in violation of</p> <p>6 all the different things I signed when I agreed</p> <p>7 not to divulge classified information.</p> <p>8 Q. Let me just try and get at it this</p> <p>9 way, Dr. Levitt:</p> <p>10 Can you testify under oath that you</p> <p>11 did not see classified information regarding</p> <p>12 whether the PA or PLO supported terrorism during</p> <p>13 the second Intifada?</p> <p>14 A. I have to say no, because I honestly</p> <p>15 don't know.</p> <p>16 Q. Can you testify that you have never</p> <p>17 seen classified information about the</p> <p>18 relationship between the AAMB and Fatah?</p> <p>19 A. I honestly don't know, so I'd have to</p> <p>20 say no.</p> <p>21 Q. I'd like to talk to you about your</p>
<p style="text-align: right;">Page 19</p> <p>1 information about the relationship between the</p> <p>2 AAMB and Fatah?</p> <p>3 MR. HORTON: Object to the form.</p> <p>4 You may answer.</p> <p>5 A. I'm not allowed to discuss details of</p> <p>6 any classified information I've seen. Nor,</p> <p>7 frankly, would I honestly remember it. It's very</p> <p>8 detailed stuff.</p> <p>9 But I did see classified information</p> <p>10 about the Israelis, the Palestinians, the peace</p> <p>11 process, Israeli compliance or noncompliance with</p> <p>12 their obligations; Palestinian compliance or</p> <p>13 noncompliance with their obligations, which are</p> <p>14 included in my area that I was brought in to be</p> <p>15 an expert on, was on the issue of terrorism from</p> <p>16 both sides, mind you, but terrorism.</p> <p>17 Q. So would it be fair to say that while</p> <p>18 you were consulting, you did see classified</p> <p>19 information relating to support by the PA or PLO</p> <p>20 for terrorism during the second Intifada?</p> <p>21 A. Again, I can't answer that question.</p>	<p style="text-align: right;">Page 21</p> <p>1 education. Where did you go to high school?</p> <p>2 A. Maimonides, M-A-I-M-O-N-I-D-E-S,</p> <p>3 School in Brookline, Massachusetts.</p> <p>4 Q. While you attended that school, did</p> <p>5 you take any courses related to the Scope of</p> <p>6 Engagement related, in this, as described in</p> <p>7 Roman Numeral I of your report?</p> <p>8 A. No. This is well before the time</p> <p>9 period we're talking about, before the founding</p> <p>10 of the Al Aqsa Martyrs Brigades. No.</p> <p>11 Q. You went to college at Yeshiva</p> <p>12 University?</p> <p>13 A. Yes.</p> <p>14 Q. While you were at Yeshiva, did you</p> <p>15 take any classes related to the Scope of</p> <p>16 Engagement in this report?</p> <p>17 A. Again, this predates the time period</p> <p>18 and predates the existence of Al Aqsa Martyrs</p> <p>19 Brigades. I did take a course; I don't think it</p> <p>20 was on the Israeli-Palestinian conflict and peace</p> <p>21 process, but there were readings about it. I</p>

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<p>1 think it was more general international relations</p> <p>2 course, so there were readings that related to</p> <p>3 the Israeli Palestinian conflict.</p> <p>4 Q. Did the readings that you had while</p> <p>5 you were in college at Yeshiva, relate to the</p> <p>6 relationship between AAMB and Fatah?</p> <p>7 A. No, AAMB did not yet exist.</p> <p>8 Q. Did they relate to any support by the</p> <p>9 PA or PLO for terrorism during the second</p> <p>10 Intifada?</p> <p>11 A. Possibly.</p> <p>12 Q. When did you graduate from college?</p> <p>13 A. 1992.</p> <p>14 Q. How could work that you did in 1992,</p> <p>15 relate to events that occurred in 2000 and</p> <p>16 afterwards?</p> <p>17 A. I didn't understand that to be your</p> <p>18 question.</p> <p>19 It would relate to things that had</p> <p>20 happened until then. The PLO wasn't in existence</p> <p>21 at the time.</p>	<p>1 research on the specific Scope of Engagement.</p> <p>2 Q. You went to graduate school at Tuffs,</p> <p>3 right?</p> <p>4 A. Correct, The Fletcher School of Law</p> <p>5 and Diplomacy.</p> <p>6 Q. Did you take any classes at Tuffs</p> <p>7 related to the Scope of Engagement in this case?</p> <p>8 A. I did.</p> <p>9 Q. What was that?</p> <p>10 A. I took a variety of Middle East</p> <p>11 courses that touched on a variety of things,</p> <p>12 including the Israeli-Palestinian conflict. And</p> <p>13 I had the Middle East, although they call it</p> <p>14 Southwest Asia, as one of my cones of</p> <p>15 concentration.</p> <p>16 I also did a lot of work on this and</p> <p>17 another cone, which was on international</p> <p>18 negotiation and conflict resolution, and wrote</p> <p>19 part of my Master's Thesis on Negotiations</p> <p>20 Related to the Madrid Peace Conference.</p> <p>21 Q. Did any of your course work at Tuffs</p>
Page 23	Page 25
<p>1 Q. Let me ask a different question; maybe</p> <p>2 we'll get a different answer:</p> <p>3 While you were in college, did you</p> <p>4 take any courses relating to any support by the</p> <p>5 PA or PLO for terrorism during the second</p> <p>6 Intifada?</p> <p>7 A. No.</p> <p>8 Q. Did you do any academic research in</p> <p>9 college relating to the Scope of Engagement in</p> <p>10 this case?</p> <p>11 A. Not during the second Intifada, no.</p> <p>12 Q. And the Scope of Engagement is limited</p> <p>13 to the second Intifada, correct? That's what it</p> <p>14 says on the first page of your report.</p> <p>15 A. That's correct.</p> <p>16 Q. So it is the case that you did no</p> <p>17 academic research in college related to the Scope</p> <p>18 of Engagement in this case, correct?</p> <p>19 A. I did research that's related to the</p> <p>20 issues that are covered in the Scope of</p> <p>21 Engagement. But as such, no, I did not do</p>	<p>1 pertain to the relationship between the AAMB and</p> <p>2 Fatah?</p> <p>3 A. No, the AAMB did not yet exist.</p> <p>4 Q. Did any of your course work at Tuffs</p> <p>5 pertain to support by the PA or PLO for terrorism</p> <p>6 during the second Intifada?</p> <p>7 A. Not during the second Intifada.</p> <p>8 Q. Did you do any academic research at</p> <p>9 Tuffs relating to the relationship between the</p> <p>10 AAMB and Fatah?</p> <p>11 A. Well, actually, the way you asked that</p> <p>12 question just triggered in my mind: Are we</p> <p>13 asking now specifically about the Master's, the</p> <p>14 Master's and Ph.D., because there's a very big</p> <p>15 time difference between the two.</p> <p>16 Q. I mean any of your work at Tuffs. Did</p> <p>17 you do any academic research regarding the</p> <p>18 relationship between the AAMB and Fatah, as part</p> <p>19 of your education at Tuffs?</p> <p>20 A. It's possible that there was research</p> <p>21 related to the AAMB and Fatah, towards the latter</p>

<p style="text-align: right;">Page 26</p> <p>1 years, as I was writing my dissertation. The</p> <p>2 dissertation was on an earlier period, but a lot</p> <p>3 of the research took me to more near-term things,</p> <p>4 especially the field research on the ground --</p> <p>5 not for the Master's -- which ended in 1995.</p> <p>6 Q. So we can agree that, as far as your</p> <p>7 Master's degree goes, you did not do any academic</p> <p>8 research on the relationship between AAMB and</p> <p>9 Fatah, correct?</p> <p>10 A. Correct.</p> <p>11 Q. As far as your Master's Degree goes,</p> <p>12 is it the case that you did not do any research</p> <p>13 on support by the PA or PLO for terrorism during</p> <p>14 the second Intifada?</p> <p>15 A. I'm not sure about the PA, which had</p> <p>16 just been created just around the week that I</p> <p>17 started graduate school.</p> <p>18 But the PLO, I probably did.</p> <p>19 Q. When did you receive your Master's</p> <p>20 Degree?</p> <p>21 A. Master's Degree in 1995.</p>	<p style="text-align: right;">Page 28</p> <p>1 covered things in there through maybe even '98,</p> <p>2 certainly '97. The 1990s.</p> <p>3 Q. Is it your testimony that your</p> <p>4 dissertation did not cover the period beginning</p> <p>5 in 2000 and afterwards?</p> <p>6 A. Correct.</p> <p>7 Q. You said you might have done some</p> <p>8 field research that related to the relationship</p> <p>9 between AAMB and Fatah; is that correct?</p> <p>10 A. Not the AAMB.</p> <p>11 Q. Okay. So you have not done any field</p> <p>12 research about the relationship between the AAMB</p> <p>13 and Fatah; is that correct?</p> <p>14 A. Incorrect.</p> <p>15 Q. What field research have you done</p> <p>16 about the relationship between the AAMB and</p> <p>17 Fatah?</p> <p>18 A. To be clear: We're not moving beyond</p> <p>19 The Fletcher School Master's and Ph.D.?</p> <p>20 Q. Let's be clear, then:</p> <p>21 Your work at Fletcher did not involve</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. How could you have done research on</p> <p>2 PLO support for terrorism during the second</p> <p>3 Intifada, in 1995?</p> <p>4 A. Not the second Intifada, but the PLO.</p> <p>5 Q. Okay. So let me ask the question</p> <p>6 again:</p> <p>7 As far as your Master's Degree goes,</p> <p>8 it's accurate to say that you have not done any</p> <p>9 academic research related to PA or PLO during the</p> <p>10 second Intifada, correct?</p> <p>11 A. Correct.</p> <p>12 Q. When did you receive your Ph.D.?</p> <p>13 A. 2005.</p> <p>14 Q. And you indicated that your</p> <p>15 dissertation pertained to the Israeli-Palestinian</p> <p>16 peace process?</p> <p>17 A. Correct.</p> <p>18 Q. What period of time did your</p> <p>19 dissertation concern?</p> <p>20 A. Really was focused -- it was on the</p> <p>21 1990s, primarily 1993 through -- we probably</p>	<p style="text-align: right;">Page 29</p> <p>1 field research on the AAMB and its relationship</p> <p>2 to Fatah, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. And your work at Fletcher did</p> <p>5 not involve field research on support by the PA</p> <p>6 or PLO for terrorism during the second Intifada,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Have you done any field research on</p> <p>10 the relationship between the AAMB and Fatah?</p> <p>11 A. Yes.</p> <p>12 Q. For what academic degree did you do</p> <p>13 that research?</p> <p>14 A. This was not for a degree. This was</p> <p>15 for what I do as a professional researcher on</p> <p>16 these issues.</p> <p>17 Q. What do you mean when you say, field</p> <p>18 research?</p> <p>19 A. Well, there are lots of ways to do</p> <p>20 research -- I'll start over and take your</p> <p>21 admonition to heart and try to make that shorter.</p>

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1 Q. I appreciate it.

2 A. Field research is travelling, or it
3 doesn't even have to be travel. It could be
4 meeting someone here in Washington, D.C., but
5 meeting people, interviewing people, going and
6 seeing firsthand. Primary field research is
7 going and experiencing it firsthand.

8 Q. Have you done any primary field
9 research about the relationship between the Al
10 Aqsa Martyrs Brigades and Fatah?

11 A. Yes.

12 Q. Describe that for me.

13 A. Well, I don't have the dates handy.
14 But for the period of the second Intifada, like
15 many others focused on counter-terrorism and
16 interested in Israeli-Palestinian peace, I was
17 highly focused on the issue of terrorism, as it
18 relates to the peace process, and spent time
19 interviewing people here in Washington, in
20 Europe, in Israel, and in the West Bank, many
21 different times on terrorism from all these

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1 parties, not only Fatah or Al Aqsa Martyrs, but
2 Hamas for Jewish extremist groups, and the full
3 spectrum.

4 Q. Okay. I'd like you to focus, if you
5 would, sir, on the field research relating to the
6 AAMB and Fatah, because that's what we're here to
7 talk about today.

8 Who did you interview in Washington
9 about the relationship between AAMB and Fatah?

10 A. I'd have no way to remember that.
11 You're talking about this is what I do on a
12 regular basis, especially here in Washington,
13 where I'm based, so I'm meeting with people all
14 the time. And at this period of time, I would
15 have been meeting with people all the time, too.

16 Q. Is it correct that today you cannot
17 give me the name of a single person that you
18 believe you interviewed in Washington about the
19 relationship between AAMB and Fatah?

20 A. By memory, no.

21 Q. Who did you interview in Europe about

1 the relationship between AAMB and Fatah?

2 A. The answer is the same. Within being
3 able to reference, you know, schedules or notes
4 or something, I couldn't tell you who I met with
5 several years ago on any given subject, including
6 Al Aqsa Martyrs and Fatah.

7 Q. Just for the record --

8 A. But to be clear -- I'm sorry to
9 interrupt.

10 Q. Please finish.

11 A. But to be clear: By the nature of my
12 work, I'm not ever focused on any one issue in
13 isolation, so it wouldn't be that there was -- or
14 it would be rare for there to be a meeting that
15 was just about, for example, Al Aqsa and Fatah,
16 especially if it was Europeans or Americans.

17 Maybe it would be more specific
18 sometimes if it was with Palestinian authority
19 officials, or with Israeli officials. But
20 especially in the West, usually we'll spend time
21 talking about the Israel/Palestinian peace

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1 process. We'll spend time talking about
2 Al-Quaeda.

3 Q. So for the record, you cannot tell me
4 today the name of a single person in Europe that
5 you have interviewed concerning the relationship
6 between AAMB and Fatah, correct?

7 A. Correct.

8 Q. Can you tell me the name of a single
9 person in Israel that you have interviewed about
10 the relationship between the AAMB and Fatah?

11 A. That's going to be the same answer for
12 each of these questions.

13 I interview lots and lots of people.
14 I can't remember who I interviewed when, and on
15 what subject. So, no.

16 So a lot of people -- and even if I
17 can remember specific names, I can't honestly
18 tell you that that conversation, we talked about
19 this issue as opposed to another issue. So, no.

20 Q. And can you tell me the name of a
21 single person in the West Bank that you've

<p style="text-align: right;">Page 34</p> <p>1 interviewed about the relationship between the</p> <p>2 AAMB and Fatah?</p> <p>3 A. Same. I've been in lots of meetings,</p> <p>4 but there's no way for me to be able to remember</p> <p>5 that kind of detail in isolation.</p> <p>6 Q. Okay. Apart from the interviews in</p> <p>7 D.C., Europe, Israel, and the West Bank that</p> <p>8 you've described, have you done any other primary</p> <p>9 field research on the relationship between the Al</p> <p>10 Aqsa Martyrs Brigades and Fatah?</p> <p>11 A. It's really difficult to say.</p> <p>12 Again, I've had meetings many times</p> <p>13 with Jordaneans. The Palestinian issue often</p> <p>14 comes up: Could it have included PLO, PA, Fatah,</p> <p>15 Al Aqsa Martyr Brigade issues? Yes, and at some</p> <p>16 points it may -- it probably did.</p> <p>17 Q. Am I correct, sir, that you cannot</p> <p>18 tell me today the single name of any person any</p> <p>19 where in the world that you have interviewed on</p> <p>20 the issue of the relationship between the AAMB</p> <p>21 and Fatah?</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Again, I do lots and lots of field</p> <p>2 research. So what I've told you are the</p> <p>3 instances, in general terms, of course, that are</p> <p>4 the most likely to have covered this topic.</p> <p>5 It's possible it came up in meetings</p> <p>6 I've had, say, with Egyptians. And it's</p> <p>7 possible -- I mean, not possible. It's very</p> <p>8 likely that when Palestinians come here, I talk</p> <p>9 to them, or Israelis come here. It's not just</p> <p>10 there. This is something I do on a very, very</p> <p>11 regular basis.</p> <p>12 So without giving you a definitive --</p> <p>13 I mean, I can't give you a definitive answer</p> <p>14 other than: Nothing that I can recall</p> <p>15 specifically.</p> <p>16 Q. Are you relying on the field research</p> <p>17 you've described as a basis for your opinions</p> <p>18 that are expressed in your report in this case?</p> <p>19 A. So a report like this gets footnoted</p> <p>20 extensively, and I try to provide there the</p> <p>21 sources that I've relied upon for those specific</p>
<p style="text-align: right;">Page 35</p> <p>1 A. By memory, no.</p> <p>2 Q. This may be the same answer for the</p> <p>3 other. Let's see if we can shortcut it.</p> <p>4 Can you tell me the name of a single</p> <p>5 person anywhere in the world that you've</p> <p>6 interviewed about support by the PA for terrorism</p> <p>7 during the second Intifada?</p> <p>8 A. I'm going to have to answer no. I</p> <p>9 could sit here and try and recreate, and I may be</p> <p>10 able to come up with some names, but not with</p> <p>11 great confidence that I'm remembering the right</p> <p>12 meeting at the right time.</p> <p>13 Q. Can you tell me the name of a single</p> <p>14 person anywhere in the world that you've</p> <p>15 interviewed about support by the PLO for</p> <p>16 terrorism during the second Intifada?</p> <p>17 A. Not without reference to something.</p> <p>18 Q. Okay. Apart from the interviews that</p> <p>19 you've described, have you done any other field</p> <p>20 research related to the Scope of Engagement of</p> <p>21 your work on this case?</p>	<p style="text-align: right;">Page 37</p> <p>1 facts. And in that sense, the report relies on</p> <p>2 the citations that are included here. So in that</p> <p>3 sense, no.</p> <p>4 The reality is that we're all informed</p> <p>5 and affected by our experiences. And, so, you</p> <p>6 know, my understanding of this issue set, one of</p> <p>7 the larger issues set within which the specific</p> <p>8 Scope of Engagement falls, is certainly informed</p> <p>9 by the time I've spent researching this issue.</p> <p>10 But I have tried to be very careful -- hopefully</p> <p>11 I've been successful -- in providing, for all</p> <p>12 parties' concern, the specific citations for any</p> <p>13 particular facts included here in the report.</p> <p>14 Q. Let me try asking it this way:</p> <p>15 Did you consider any of the field</p> <p>16 research that you've described in forming your</p> <p>17 opinions that are expressed in the report in this</p> <p>18 case?</p> <p>19 A. I'm sorry, I don't understand the</p> <p>20 question.</p> <p>21 Did I consider them? Is that the same</p>

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1 **as: Did I write them? I'm not sure what you**
2 **mean.**

3 Q. Do you understand what the word
4 "consider" means?

5 **A. I'd like you to define it for me.**

6 Q. Why don't you tell me what you think
7 it means, and maybe we can go with that.

8 **A. It's your question, why don't you tell**
9 **me what you're asking.**

10 Q. So you don't know what the word
11 "consider" means?

12 **A. I'm going to ask you to tell me what**
13 **you're asking.**

14 Q. Did you take into mind or into
15 consideration? Do you understand that
16 definition, sir?

17 **A. You realize you just used the same**
18 **word to define the word? I'm not trying to play**
19 **games with you here. I think I answered your**
20 **question the first time. I'll try and do it**
21 **again, if you like.**

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1 Q. Okay. Well, let's try it again.

2 You understand what the word
3 "consider" means, right?

4 **A. We're just going to go in circles**
5 **here. I have an understanding of what it means.**
6 **But this is your question, so --**

7 Q. What does the word "consider" mean to
8 you, Dr. Levitt?

9 **A. It can mean lots of things. It can**
10 **mean take into account. Does that work for you?**

11 Q. Did you take into account the field
12 research that you have described today, in
13 forming your opinions that are expressed in your
14 report in this case?

15 **A. The opinions are based on the**
16 **citations that are provided here (Indicating).**

17 Q. Is it correct to say, then, that the
18 opinions are not based on the field research that
19 you've described today?

20 MR. HORTON: Object to the form.

21 **A. It's correct to say that any given**

1 **fact here is source to a specific citation.**

2 Q. Are the opinions based on the research
3 that you've described today?

4 **A. The opinions are based on the facts in**
5 **the report.**

6 Q. Are they based on the field research
7 that you've described here today, yes or no,
8 please?

9 MR. HORTON: I object to the form.

10 If you can answer a question yes or
11 no, that's fine. If you can't, then he can't
12 tell you how to answer a question.

13 BY MR. HILL:

14 Q. Or you could say, "I don't know," if
15 you don't know, I suppose. It's got to be one of
16 those three, right?

17 MR. HORTON: I'll object. No, it need
18 not be one of those three.

19 MR. HILL: So I'll pose the question
20 again.

21 Q. The field research you've described

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1 today, are your opinions, as expressed in the
2 report in this case, based on that field
3 research?

4 **A. They are based on the citations in the**
5 **report.**

6 Q. I understand that, sir.

7 Are they based on the field research?

8 **A. Nothing here is cited to the field**
9 **research.**

10 Q. Does the field research -- try a
11 different question.

12 Did you take into account the field
13 research in forming your opinions in this case?

14 **A. I honestly don't know how to answer**
15 **that question.**

16 **In other words, nothing in this report**
17 **is based on something that came directly out of**
18 **the field research. But I feel like you're**
19 **asking me to try and divorce or parse out. As**
20 **I'm writing something or as I'm reviewing**
21 **something it's in a particular source. Can I**

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1 tell you that it didn't ring a bell or
2 recollection from something from an interview? I
3 can't say that.

4 I can say that I wouldn't put
5 something into a report that didn't fit the kind
6 of body of knowledge that I've accumulated from
7 that research. So in that sense, there is a
8 connection, but I can't say it's divorced. But I
9 can't say that this is based on that, either.

10 Q. Are you relying on the field research
11 to support any of the opinions you've expressed
12 in the report in this case?

13 A. I think it's safer to say no.

14 Again, I wouldn't reach a conclusion
15 if I thought it didn't fit the body of evidence
16 as I know it. But there are citations for the
17 points that are made here (Indicating).

18 Q. You mentioned that you have lived in
19 Israel. Have you ever worked for the government
20 of Israel?

21 A. No -- well, I had an internship when I

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1 was in graduate school, an unpaid internship at
2 the Israeli Consulate in Boston.

3 Q. How long did that position last?

4 A. It was just two, three, four, five
5 weeks, something like that. As part of the
6 Fletcher School's program, you're supposed to
7 have a summer internship before your first and
8 second years. And I was a parent already and
9 didn't have the flexibility to be able to come
10 down to Washington and New York, and so this is
11 what I was able to finagle, if you were in
12 Boston, to do something related to the
13 international relations I was studying over the
14 summer.

15 Q. And again, Dr. Levitt, I hesitate to
16 interrupt you, but the question was: How long
17 did it last? So if you could just confine your
18 answers to the questions, I think we'll get
19 through more quickly, at least.

20 Did you receive any classified
21 information from the Israeli government?

1 A. No.

2 Q. Have you ever received any classified
3 information from the Israeli government?

4 A. Not to my knowledge.

5 Q. Have you ever received any classified
6 information from any government other than the
7 United States?

8 A. Not to my knowledge.

9 Q. Have you ever received any money from
10 the Israeli government for any reason?

11 A. Not to my knowledge, no.

12 Q. Have you ever received any information
13 from the Israeli government about the Scope of
14 Engagement in this case?

15 A. Yes.

16 Q. Is the information you received from
17 the Israeli government anything other than what
18 you've cited in the report?

19 A. Probably.

20 Q. What other information have you
21 received from the Israeli government that relates

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1 to your Scope of Engagement in this case?

2 A. I answered "probably" for a reason,
3 because I can't know for sure, and I wouldn't be
4 able to, therefore, tell you a specific report.

5 But the Israelis produced lots of
6 reports related to issues that relate to the
7 Scope of Engagement, especially during the second
8 Intifada, largely based on raids they have
9 conducted in the West Bank, in particular.

10 Most of that material has been made
11 public and some of that public material is
12 included in the report. And some of it, I don't
13 know if all of it -- let me rephrase. I don't
14 know if all of it has. And I believe that some
15 of it I got while it was in the process of being
16 kind of put online, so I might have had it before
17 it became public.

18 Q. Is it fair to say that all of the
19 information you've received from the Israeli
20 government about the Scope of Engagement in this
21 case, that you're relying on for your opinions,

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1 is cited in your report?

2 **A. Yes, with the same caveat that, you**
 3 **know, again I can't -- I'd like it to be simple,**
 4 **but I can't lie to you and say that, you know --**
 5 **I am informed by the body of evidence that I've**
 6 **seen, so I can't remember anything specific,**
 7 **but --**

8 Q. Okay. Sitting here today, you can't
 9 tell me any information you've received from the
 10 Israeli government that relates to the Scope of
 11 the Engagement other than that that you've cited
 12 in the report, correct?

13 **A. Correct.**

14 Q. While you were working at the FBI, did
 15 you do any work related to the Scope of
 16 Engagement in this case?

17 **A. No, in the sense that it's predated Al**
 18 **Aqsa Martyrs in part, so part of it I can say**
 19 **definitively because it didn't exist. But the**
 20 **details of what I did at the FBI, I was on the**
 21 **intelligence side of the house, so all the**

1 **really started before I left. I left in 2001.**

2 **And September 2000 is often the time period**
 3 **that's pointed to.**

4 Q. So let me ask you the question again,
 5 sir:

6 While you were at the FBI, did you do
 7 any work relating to support by the PA or PLO for
 8 terrorism during the second Intifada?

9 **A. I can't answer that.**

10 Q. Okay. And you can't answer that
 11 because?

12 **A. Because your original assumption that**
 13 **the second Intifada didn't coincide with when I**
 14 **was with the FBI, was erroneous. And because I**
 15 **am not allowed to talk about what I did at the**
 16 **FBI, because it's classified.**

17 Q. Okay. So can you testify that while
 18 you were at the FBI, you did not do any work on
 19 the issue of support by the PA or PLO for
 20 terrorism during the second Intifada?

21 **A. I'm sorry, I don't see how that**

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1 **classification issues we discussed earlier, I**
 2 **can't get into the details.**

3 Q. Okay. Well, let me be more precise
 4 and see if we can get to the nub here:

5 While you were at the FBI, did you do
 6 any work about the relationship between the AAMB
 7 and Fatah?

8 **A. No.**

9 Q. While you were at the FBI, did you do
 10 any work about support by the PA or PLO for
 11 terrorism during the second Intifada?

12 **A. I can't answer that.**

13 Q. How could you have done work on the
 14 second Intifada before the second Intifada
 15 started?

16 **A. I'm sorry, I was just hearing PA, PLO.**

17 Q. Let me ask the question again:

18 While you were at the FBI, did you do
 19 any work regarding any support of the PA or PLO
 20 for terrorism during the second Intifada?

21 **A. Well, actually, the second Intifada**

1 **question is different than the first.**

2 Q. Okay. So you can't say that, either?

3 **A. I can't say what I did or did not work**
 4 **on when I was at the FBI.**

5 Q. Okay. So just so the record is clear,
 6 Dr. Levitt, you cannot tell me whether your work
 7 at the FBI involved the issue of whether the PA
 8 or PLO supported terrorism during the second
 9 Intifada?

10 **A. I can't -- correct.**

11 Q. And that is because you believe that
 12 the answer to that question would require you to
 13 reveal classified information?

14 **A. Correct.**

15 Q. While you were at the Treasury
 16 Department, did you do any work on the
 17 relationship between the Al Aqsa Martyrs Brigades
 18 and Fatah?

19 **A. Possibly.**

20 Q. You say "possibly." Is that because
 21 you don't remember?

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1 **A. I don't remember specifics. It was a**
 2 **different job. I was not in the weeds, as such,**
 3 **like when I was at the FBI, "A."**

4 **And "B," I can't remember when this**
 5 **started percolating-up as an issue for Treasury.**
 6 **Obviously, it did, at some point, and the**
 7 **designation came later. But I can't remember**
 8 **when this first started percolating-up.**
 9 **Probably, in earnest, after I left.**

10 Q. Okay. So your best answer, your best
 11 guess is that you did work on the relationship
 12 between Fatah and AAMB at Treasury?

13 **A. No, my best guess is that I -- I don't**
 14 **know. I'm just trying to think this through for**
 15 **a second.**

16 (Witness Pausing)

17 **A. I guess the best guess is: I don't**
 18 **know.**

19 Q. Okay. While you were working at
 20 Treasury, did you do any work on whether the PA
 21 or PLO supported terrorism during the second

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1 Intifada?

2 **A. Not that I recall.**

3 Q. While you were at Treasury, did you
 4 see any classified information about the
 5 relationship between the AAMB and Fatah?

6 **A. I can't talk about what classified**
 7 **information I did or did not see when I was at**
 8 **Treasury.**

9 Q. So for the record, you cannot tell me
 10 whether, during your time at Treasury, you were
 11 exposed to classified information about the
 12 relationship between the AAMB and Fatah, correct?

13 **A. Correct.**

14 Q. While you were at Treasury, did you
 15 see any classified information related to whether
 16 the PA or PLO supported terrorism during the
 17 second Intifada?

18 **A. I couldn't answer that, either.**

19 Q. And, again, you cannot tell me whether
 20 you saw such classified information or not?

21 **A. Because it would be classified.**

1 Q. And to tell me that you didn't see it,
 2 would also be classified; is that your testimony?

3 **A. As I understand it, yes.**

4 Q. Would you agree with me, sir, that
 5 there's no way for me to find out what you know
 6 about the relationship between AAMB and Fatah, as
 7 a result of your work at Treasury?

8 **A. There is no way for you to know what**
 9 **work I specifically did at Treasury, correct.**

10 Q. Would you also agree with me that
 11 there is no way for me to find out whether you
 12 know anything about whether the PA or PLO
 13 supported terrorism during the second Intifada,
 14 as a result of your work at the Treasury?

15 **A. Come to think of it, I don't know if**
 16 **there's no way. There's no way for me to answer**
 17 **the question.**

18 **You could probably petition to a**
 19 **Freedom of Information Act, people who are in a**
 20 **position to be able to say "that's not**
 21 **classified" or "it's declassified" -- which I**

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1 **can't -- might be able to do that. There might**
 2 **be ways, but I can't tell you.**

3 Q. Did you also do some work for the
 4 State Department?

5 **A. This is what we discussed earlier,**
 6 **yes.**

7 Q. And did any of your work for the State
 8 Department concern the relationship between the
 9 AAMB and Fatah?

10 **A. Possibly.**

11 Q. You say "possibly." Is that because
 12 you can't remember, or you can't tell me?

13 **A. Well, I can't remember. And if I**
 14 **could, I couldn't have told you.**

15 Q. Okay.

16 **A. But, honestly, I can't remember.**

17 **It's likely because the Special Envoy**
 18 **for Middle East Regional Security, SEMERS.**

19 THE REPORTER: Centers?

20 THE WITNESS: SEMERS, Special Envoy
 21 for Middle East Regional Security.

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<p style="text-align: right;">Page 54</p> <p>1 MR. HILL: It's an acronym.</p> <p>2 THE WITNESS: It's an acronym. Thank</p> <p>3 you, that's the word I'm looking for. My</p> <p>4 doctor's taken me off caffeine. It's terrible.</p> <p>5 A. And was focused on, among other</p> <p>6 things, terrorist actors from either the</p> <p>7 Palestinian side of the equation, or the Israeli</p> <p>8 side of the equation, trying to -- or effectively</p> <p>9 undermining prospects for peace, so --</p> <p>10 Q. So is it your best recollection that</p> <p>11 while you were working for State, you did do work</p> <p>12 on the relationship between the AAMB and Fatah?</p> <p>13 A. It's my recollection? No, I don't</p> <p>14 recall specifically one way or the other. It may</p> <p>15 well have been part of the larger piece of what</p> <p>16 we were doing, but I can't recall.</p> <p>17 Q. Okay. While you were working at</p> <p>18 State, did you receive any classified information</p> <p>19 about the relationship between AAMB and Fatah?</p> <p>20 A. I don't recall.</p> <p>21 Q. Can you testify that while you were at</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I've done plenty of analysis and</p> <p>2 commentary on the Al Aqsa Martyrs Brigades and</p> <p>3 Fatah, their relationship, their relationship to</p> <p>4 the PA. It may or may not have gone as far as,</p> <p>5 then, the PLO.</p> <p>6 Q. What form did that analysis or</p> <p>7 commentary take?</p> <p>8 A. It would be hard for me to recall</p> <p>9 offhand the specifics. But I believe you have a</p> <p>10 copy of my full CV, which should have a full list</p> <p>11 of all of my policy briefs and editorials and</p> <p>12 journal articles, and all of that, in detail.</p> <p>13 Q. So you're saying, sir, that to the</p> <p>14 extent you've done analysis or commentary about</p> <p>15 the Scope of Engagement in this case, it will be</p> <p>16 listed on your CV?</p> <p>17 A. It should be in that, you know, the</p> <p>18 full CV.</p> <p>19 Q. You also mention that you frequently</p> <p>20 do consulting. Have you done any consulting</p> <p>21 about the subject of this report?</p>
<p style="text-align: right;">Page 55</p> <p>1 State, you did not receive any classified</p> <p>2 information about AAMB or Fatah?</p> <p>3 A. No, it would still require me to</p> <p>4 recall one way or the other. And I'd love to be</p> <p>5 able to answer your question more definitively,</p> <p>6 but still I can't recall.</p> <p>7 Q. Okay. While you were working for the</p> <p>8 State Department, did you do any work on the</p> <p>9 issue of whether the PA or PLO supported</p> <p>10 terrorism during the second Intifada?</p> <p>11 A. Also, I can't recall.</p> <p>12 Q. While you were working at State, did</p> <p>13 you receive any classified information about</p> <p>14 whether the PA or PLO supported terrorism during</p> <p>15 the second Intifada?</p> <p>16 A. And, again, I honestly don't recall.</p> <p>17 And if I did, I couldn't have told you.</p> <p>18 Q. Your report indicates that you</p> <p>19 frequently work as an analyst and a commentator.</p> <p>20 Have you done any analysis or commentary about</p> <p>21 the Scope of Engagement in this case?</p>	<p style="text-align: right;">Page 57</p> <p>1 A. No. Other than to say, for example,</p> <p>2 working in this case, no.</p> <p>3 Q. Okay. Have you ever seen any wiretaps</p> <p>4 or intercepts about the subject of this report?</p> <p>5 A. I'm sorry, if I could go back: There</p> <p>6 may have been other cases that I've given expert</p> <p>7 advice or testimony on, that related</p> <p>8 peripherally, but I don't think --</p> <p>9 Q. Other lawsuits, you mean?</p> <p>10 A. Right, right. Kind of in my database,</p> <p>11 that goes under consulting.</p> <p>12 Q. Okay.</p> <p>13 A. I'm sorry, I wanted to give you a full</p> <p>14 answer. Sorry to interrupt you.</p> <p>15 Q. The consulting that you've done, as it</p> <p>16 relates to the Scope of Engagement, has been this</p> <p>17 lawsuit and other lawsuits, right?</p> <p>18 A. To the best of my knowledge, yes.</p> <p>19 Q. And apart from work on lawsuits, have</p> <p>20 you done any other consulting relating to your</p> <p>21 Scope of Engagement in case?</p>

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1 A. Not to my knowledge.

2 Q. Have you ever seen any intercepts or
3 wiretaps about the Scope of Engagement in this
4 case?

5 A. I'm not allowed to comment on what
6 intercepts I've ever seen and what they relate
7 to. But I do not recall ever being given any
8 intercepts outside of government -- you've asked
9 about some of the -- by anybody, U.S., Europeans,
10 Israelis, anybody, in terms of my research.

11 Q. So the only intercepts or wiretaps
12 that you ever recall seeing about the Scope of
13 Engagement in this case, were part of your
14 government service, correct?

15 A. I didn't say that. I didn't say that
16 any wiretaps that I've seen, related to this. I
17 didn't say what they related to, at all.

18 This or any wiretaps or intercepts
19 I've ever seen, I can't talk about.

20 Q. I see. So it's possible that you have
21 seen some wiretaps or intercepts about the

1 just have to say: I can't answer the question.

2 Q. Okay. As far as our inquiry goes
3 today, you're not going to tell me about any
4 classified information you've ever seen about
5 whether the PA or the PLO may have supported
6 terrorism during the second Intifada, correct?

7 A. Right, I'm not going to be able to
8 comment about any of the intelligence that I've
9 ever seen.

10 Q. Okay. You teach at Johns Hopkins,
11 right?

12 A. Not anymore.

13 Q. You used to teach there?

14 A. I used to teach there.

15 Q. Okay. And did you ever teach any
16 classes at Johns Hopkins about the Scope of
17 Engagement in this case?

18 A. Not per se. I originally taught a
19 course called something like Contemporary
20 Terrorism and Its Responses, or something like
21 that. And it did have a -- you know, one week

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1 relationship between the AAMB and Fatah, and you
2 just can't tell me about them because they're
3 classified, right?

4 A. I can't tell you what I have or
5 haven't seen because it's classified.

6 Q. Okay. It's possible you've also seen
7 wiretaps or intercepts about support by the PA or
8 PLO for terrorism during the second Intifada,
9 but, again, you can't tell me about that because
10 it's classified?

11 (No Response)

12 Q. Correct?

13 A. I'm thinking it through.
14 (Witness Pause.)

15 A. I just don't know where the line is
16 drawn. If you were to ask me if I've ever seen
17 an interception about, you know, Dumbo the
18 Elephant, I could probably answer that. But in
19 theory, I'm not supposed to answer whether or not
20 I've seen intercepts related to, confirm or deny,
21 you know, whatever I've seen. So I think I'd

1 was on Al-Qaeda, and there was at least one week
2 that was on Palestinian terrorism groups and
3 Jewish extremists groups and --

4 Q. Okay. How many times did you teach
5 that class?

6 A. I taught that class for a few years.
7 Let's see, I left the FBI in 2001, and I think I
8 started there in 2002, so probably three or four
9 years.

10 Q. Did you teach it once a year? Twice a
11 year? Three times a year?

12 A. Once a year.

13 Q. So you think you taught that course
14 maybe three or four times?

15 A. Something like that.

16 Q. Okay. Did part of the teaching in the
17 course you've described at Johns Hopkins, involve
18 discussions of the relationship between the AAMB
19 and Fatah?

20 A. Probably not as such. It probably
21 included discussions of AAMB, but probably was

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1 more focused on the larger groups, Hamas.

2 Q. Okay. Did you assign any readings on
3 the issue of the relationship between AAMB and
4 Fatah, to your students when you were teaching
5 that class?

6 A. I don't recall. But the syllabi are
7 probably still online, you could probably find
8 that out.

9 Q. Okay. Where would I go to find that?

10 A. Probably SAIS's website or an archive
11 of it.

12 Q. Okay. And what's the name of the
13 class I'm looking for again?

14 A. I think it was called Contemporary
15 Terrorism and the American Response, or something
16 like that.

17 Q. Do you have the course number?

18 A. No, not offhand.

19 Q. Did that course that you taught at
20 Johns Hopkins involve any discussion of the issue
21 of whether the PA or PLO supported terrorism

1 A. SAIS, S-A-I-S, the School of Advanced
2 International Studies.

3 Q. And that's here in Washington, right?

4 A. Yes.

5 Q. Have you taught any other classes
6 about the Scope of Engagement in this course,
7 other than the one we've discussed?

8 A. No. The other course I taught at
9 SAIS -- let me be specific. The course we've
10 discussed, I taught after I left the FBI and
11 before I went to Treasury.

12 When I left Treasury and was invited
13 to come back to SAIS, I taught a different course
14 called Combatting the Financing of Transnational
15 Threats, so that was more focused on the
16 financing issue.

17 Q. Did that class involve the
18 relationship between the AAMB and Fatah?

19 A. Not as such. There was never a
20 lecture on that. It's possible there were
21 readings that covered some stuff related to that.

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1 during the second Intifada?

2 A. Not that I recall. There was a week
3 session on state sponsorship, so it's possible
4 that came up as an example of something that's a
5 little more complicated, but I don't recall
6 offhand.

7 Q. And do you recall assigning any
8 readings on the issue of whether the PA or PLO
9 supported terrorism during the second Intifada,
10 to your students for that course?

11 A. I don't think I did. But, honestly, I
12 don't remember the specific readings.

13 Q. Were any of your course lectures
14 recorded in any fashion?

15 A. It's possible. If I had to, you know,
16 miss a class or something, sometimes they get
17 recorded. I don't know if they kept them. I
18 don't have them.

19 Q. If I wanted to see if there were any
20 recordings of your teaching on this subject,
21 where would I go to look for that?

1 Q. Okay. Can you recall any of those
2 readings today?

3 A. No.

4 Q. And would those be on your course
5 syllabus, as well?

6 A. They would, yes.

7 Q. Do you have a copy of that?

8 A. Not here, no.

9 Q. Where would I go to find that?

10 A. It's the same. If they keep it, it
11 would be on their website or maybe on the archive
12 website.

13 Q. Did you ever teach any other classes
14 about whether the PA or PLO supported terrorism
15 during the second Intifada?

16 A. No, and I didn't teach any courses
17 that were specific to that. That just might have
18 come up in those other courses I taught.

19 Q. Sitting here today, you can't recall
20 if that subject ever came up in any of these
21 classes, can you?

<p style="text-align: right;">Page 66</p> <p>1 A. No.</p> <p>2 Q. You can't remember a student saying,</p> <p>3 "Professor Levitt, I want to talk about whether</p> <p>4 the PA supported terrorism during the second</p> <p>5 Intifada"?</p> <p>6 A. Sitting here today, I couldn't tell</p> <p>7 you anything that my students specifically asked</p> <p>8 me about. So could they have? Absolutely. Do I</p> <p>9 remember it over, what was it, eight or nine</p> <p>10 years teaching? No.</p> <p>11 It was not the subject of the class,</p> <p>12 but the class was kind of taking a cut across a</p> <p>13 thematic issue and using lots of different case</p> <p>14 studies. So is it possible that this came up,</p> <p>15 and even if it wasn't in the syllabus, that some</p> <p>16 student wanted to write a paper about it or do a</p> <p>17 weekly assignment about it? It's possible.</p> <p>18 Q. Can you recall a student ever writing</p> <p>19 a paper about the Scope of Engagement --</p> <p>20 A. I don't remember.</p> <p>21 Q. -- in this case?</p>	<p style="text-align: right;">Page 68</p> <p>1 television, print, radio, related to this.</p> <p>2 Q. Okay. Well, let me ask you a more</p> <p>3 specific question:</p> <p>4 Sitting here today, can you recall an</p> <p>5 instance when you were interviewed about the</p> <p>6 relationship between Al Aqsa and Fatah?</p> <p>7 A. No, I can't remember any specific</p> <p>8 interview. This was a --</p> <p>9 Q. Sitting here --</p> <p>10 A. I'm sorry.</p> <p>11 Q. That's okay.</p> <p>12 Sitting here today, can you recall an</p> <p>13 instance where you were interviewed about whether</p> <p>14 the PA or PLO supported terrorism during the</p> <p>15 second Intifada?</p> <p>16 A. No.</p> <p>17 Q. Your report indicates that you</p> <p>18 frequently attend meetings as part of your</p> <p>19 professional work. Sitting here today, can you</p> <p>20 recollect attending a meeting where a topic of</p> <p>21 discussion was the relationship between AAMB and</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Sorry to interrupt you.</p> <p>2 I don't remember. You know, I</p> <p>3 couldn't tell you the specific topic of any of</p> <p>4 their papers, no.</p> <p>5 Q. Is it fair to say, sir, that sitting</p> <p>6 here today you can't recall doing any work as a</p> <p>7 teacher on the Scope of Engagement in this case?</p> <p>8 A. Not specifically, no.</p> <p>9 Q. Have you ever been on tenure track</p> <p>10 position at any University?</p> <p>11 A. No.</p> <p>12 Q. Have you ever given any interviews</p> <p>13 where you were interviewed about the Scope of</p> <p>14 Engagement in this case?</p> <p>15 A. I'm sure.</p> <p>16 Q. Okay. When?</p> <p>17 A. God only knows. The nature of my work</p> <p>18 is I do a lot of television, radio interviews on</p> <p>19 issues of the day. This was one of the key</p> <p>20 issues of the day in the time period in question</p> <p>21 and, so, I'm sure I did plenty of interviews,</p>	<p style="text-align: right;">Page 69</p> <p>1 Fatah?</p> <p>2 A. Again, I don't remember any specific</p> <p>3 meeting. But this was one of the things that I</p> <p>4 was most focused on at the time, doing a lot of</p> <p>5 work on it. I'm sure there were many meetings</p> <p>6 about it.</p> <p>7 Q. But sitting here today, you can't give</p> <p>8 me a specific meeting where that was the topic of</p> <p>9 discussion, correct?</p> <p>10 A. No. And to be honest, I'd have a hard</p> <p>11 time remembering what the topics of discussions</p> <p>12 were at meetings I had last week or the week</p> <p>13 before, but --</p> <p>14 Q. So just, again, for the record, I</p> <p>15 probably know the answer, but let's get it on the</p> <p>16 record:</p> <p>17 Sitting here today, can you recall for</p> <p>18 me any particular meeting where the topic was</p> <p>19 whether the PA or PLO supported terrorism during</p> <p>20 the second Intifada, that you attended?</p> <p>21 A. Again, I'm sure I attended many, and I</p>

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1 can't remember the specifics of any given one.

2 That was many years ago.

3 Q. Your report also mentions that you
4 frequently attend conferences. Can you recall
5 any conferences you attended where the subject
6 was the Scope of Engagement for this report?

7 A. Not off the cuff, no. I'm sure if I
8 had a list of my conferences in front of me, and
9 the panel discussions that were being had, it
10 might be possible to spark memory.

11 I'm sure this was a topic of -- it was
12 a topic of heated discussion, and I was very
13 focused on it at the time. But I can't recall
14 for you the specifics of meetings, you know, a
15 decade ago.

16 Q. You mention that you were in panel
17 discussions. Can you recall a panel discussion
18 where the topic was the relationship between AAMB
19 and Fatah, that you participated in?

20 A. Not as such, no.

21 Q. Can you recall a panel discussion

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1 where the topic was whether the PA or PLO
2 supported terrorism during the second Intifada,
3 where you were part of the panel?

4 A. Not off the cuff, no.

5 Q. You mention that you frequently
6 lecture, in your report. Can you recall ever
7 giving a lecture on the topic of the relationship
8 between the AAMB and Fatah?

9 A. Again, not as such. I was doing a lot
10 of research in this time, so it stands to reason
11 that I was speaking on the subject, though it
12 probably wouldn't have been entitled exactly
13 that, but --

14 Q. Can you recall any occasion where
15 you've spoke publicly on the topic of the
16 relationship between AAMB and Fatah?

17 A. The specifics, no.

18 Q. Can you recall any occasion when you
19 spoke publicly on the issue of whether the PA or
20 PLO supported terrorism during the second
21 Intifada?

1 A. Same. No.

2 Q. You cannot?

3 A. Not off the cuff.

4 Q. You mention in your report that you
5 frequently read materials.

6 Other than the material you've cited
7 in your report, can you recollect any other
8 material you've read about the relationship
9 between the AAMB and Fatah?

10 A. Seriously? I mean, you're actually
11 asking me to tell you if I've ever read any
12 material related to this, and expect me to be
13 able to remember it?

14 I'm sure I read reams, reams and reams
15 of material related to this.

16 Q. Can you tell me the name of any
17 particular document in the ream of material that
18 you believe you have read about the relationship
19 between AAMB and Fatah, other than the material
20 that's cited in your report?

21 A. First of all, I couldn't remember for

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1 you the titles of the materials that's cited in
2 the report, to exclude them from this list, if I
3 could even remember the list. So, no.

4 Q. Can you tell me the name of any
5 material you've read about whether the PA or PLO
6 supported terrorism during the second Intifada,
7 other than the material that's cited in the
8 report?

9 A. Same. There's no way for any person
10 to be able to remember a specific name of
11 articles and journal articles and books that one
12 reads years ago.

13 Q. Can you tell me the authors of any of
14 these publications that pertain to the
15 relationship between the AAMB and Fatah?

16 A. No.

17 Q. Can you tell me the names of any
18 authors that you've read regarding whether the PA
19 or PLO supported terrorism during the second
20 Intifada?

21 A. I'm sorry, can you repeat that?

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<p>1 Someone's flipping lights on and off behind you.</p> <p>2 Q. Beg your pardon.</p> <p>3 Can you tell me the name of any</p> <p>4 authors who you have read on the topic of whether</p> <p>5 the PA or PLO supported terrorism during the</p> <p>6 second Intifada?</p> <p>7 A. Off the cuff, no, I don't make it a</p> <p>8 practice to memorize authors of things I've read.</p> <p>9 Q. Are you familiar with the term</p> <p>10 "primary source"?</p> <p>11 A. I am.</p> <p>12 Q. What is a primary source?</p> <p>13 A. Well, a primary source is someone who</p> <p>14 is close to the issue. In other words, we were</p> <p>15 talking earlier about primary sorts of resources,</p> <p>16 going out talking to people, people who were</p> <p>17 involved, who have direct-access involvement.</p> <p>18 Q. And we already talked earlier about</p> <p>19 the field research that you've done in connection</p> <p>20 with the report.</p> <p>21 Other than what we've discussed, have</p>	<p>1 A. Not off the cuff, no.</p> <p>2 Q. Can you recollect the name of any</p> <p>3 other expert that you've had a discussion with</p> <p>4 about whether the PA or PLO supported terrorism</p> <p>5 during the second Intifada?</p> <p>6 A. No.</p> <p>7 Q. Are you familiar with the term "peer</p> <p>8 review"?</p> <p>9 A. I am.</p> <p>10 Q. What does peer review mean?</p> <p>11 A. Peer review means -- it's an academic</p> <p>12 publishing term. So if you publish, whether it's</p> <p>13 a journal article or a book, with an</p> <p>14 academically-oriented outfit, they will take the</p> <p>15 article and submit it for peer review. Review by</p> <p>16 peers, professionals in the field who have some</p> <p>17 type of expertise on the issue, almost always</p> <p>18 anonymously, to review your article or chapter or</p> <p>19 book, and provide input back.</p> <p>20 That input can be, "Wonderful.</p> <p>21 Publish it." "Terrible. Don't publish it." Or</p>
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<p>1 you spoken to any other primary sources about the</p> <p>2 Scope of Engagement in this report?</p> <p>3 A. So you're asking me: Other than the</p> <p>4 primary field research, have I ever spoken to a</p> <p>5 primary source? That's a mutually exclusive --</p> <p>6 Q. The answer is no? It's a tautology;</p> <p>7 is what you're saying?</p> <p>8 A. Right. It's mutually exclusive, "Have</p> <p>9 you ever spoken to anyone other than the people</p> <p>10 you've spoken to?"</p> <p>11 Q. So we've covered the ground in terms</p> <p>12 of primary sources that you have exposure to</p> <p>13 about the topics in this report, right?</p> <p>14 A. Probably.</p> <p>15 Q. Your report indicates that you have</p> <p>16 regular discussions with other experts in the</p> <p>17 field.</p> <p>18 Can you recollect the name of any</p> <p>19 other expert that you have discussed the issue of</p> <p>20 the relationship between Al Aqsa Martyrs Brigades</p> <p>21 and Fatah with?</p>	<p>1 more often than not, "Useful contribution," but</p> <p>2 suggest to you, "Change this. Add this," et</p> <p>3 cetera.</p> <p>4 Q. Has any of your prior writing about</p> <p>5 the relationship between AAMB and Fatah been</p> <p>6 subject to peer review?</p> <p>7 A. I'd have to go back and check. I</p> <p>8 don't remember the list of articles I've written</p> <p>9 on this. But I've written plenty, and I can't</p> <p>10 remember where they were published.</p> <p>11 A lot of my publishing is done in</p> <p>12 newspaper editorials, or policy journals, which</p> <p>13 are not peer reviewed. A lot of it is done in</p> <p>14 peer reviewed journals. And Al Aqsa Martyrs</p> <p>15 Brigade might have come -- I'm sure it did come</p> <p>16 up -- not as a focus -- as an aside as it related</p> <p>17 to Hamas, in my book on Hamas, which was</p> <p>18 published by Yale, and was very much peer</p> <p>19 reviewed.</p> <p>20 Q. Okay. Apart from a potential aside in</p> <p>21 the book on Hamas, can you today recollect any</p>

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1 instance where you wrote something about the
2 relationship between AAMB and Fatah, that was
3 subject to peer review?

4 **A. By recollection, no. But it's a**
5 **little -- don't get me wrong, but it's a little**
6 **silly question. This is easily checkable. You**
7 **should have the full list.**

8 Q. Sitting here today, can you recollect
9 any instance where you wrote something about
10 whether the PA or PLO supported terrorism during
11 the second Intifada, that was peer reviewed?

12 **A. I don't remember where they were**
13 **published. But, again, we can check that.**

14 Q. The report has not been peer reviewed,
15 correct?

16 **A. Correct.**

17 Q. Are you familiar with the term "fact
18 check"?

19 **A. Yes.**

20 Q. What does that mean?

21 **A. Fact checking is the process of going**

1 **now -- I'd have to go back and check. And it**
2 **could have been a research assistant. It could**
3 **have been an intern. It could have been neither.**

4 Q. Okay. Give me the names of the
5 possible candidates who might have fact checked
6 your reports?

7 **A. Jonathan Prohov.**

8 Q. Could you spell his name, please?

9 **A. P-R-O-H-O-V. Divah, D-I-V-A-H,**
10 **Alshawa, A-L-S-H-A-W-A. There were a couple**
11 **other short-term interns in there whose names**
12 **escape me.**

13 Q. So those are the possible candidates
14 who might have fact checked your report?

15 **A. As I recall. As I said, there were**
16 **other short-term interns and --**

17 Q. And where is Mr. Prohov today?

18 **A. He is still a research assistant at**
19 **the Washington Institute.**

20 Q. And how about Ms. Alshawa?

21 **A. She is at the Treasury Department.**

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1 **back and literally checking the facts.**

2 **So it can be as simple as making sure**
3 **that a quote, as is written in an article or a**
4 **report, appears exactly as it was in the original**
5 **source; that you didn't have a typo, or didn't**
6 **remember something, or whatever. And, so, just**
7 **checking the facts.**

8 **It can be as simple as typos to, you**
9 **know: Was it this amount of money or that amount**
10 **of money? Was it on this date or that date?**

11 **And sometimes you can fact check on**
12 **your own. You can have someone else fact check.**

13 Q. Okay. Did anyone fact check your
14 report?

15 **A. I do have a research assistant who**
16 **regularly does fact checking for me, and it's**
17 **possible that he or she did some fact checking**
18 **for this, I don't recall.**

19 Q. Who was your research assistant in
20 March of 2013?

21 **A. I'd have to go back and check. It's**

1 Q. How would you go about determining
2 whether, in fact, your report was fact checked?

3 **A. I'd have to check notes.**

4 Q. Do you have notes about this report?

5 **A. It's possible. I'd have to check.**

6 Q. Where would your notes be located?

7 **A. They'd probably be in my office**
8 **somewhere.**

9 Q. Have you looked for whether you have
10 notes on this report?

11 **A. I have not.**

12 Q. Did anyone ask you to look for notes
13 about this report?

14 **A. No.**

15 Q. Are you aware that your office was
16 served with a subpoena related to this report?

17 **A. I was aware that there was a subpoena**
18 **back and forth, that eventually went to the**
19 **lawyers. It was amusing. I've done this many**
20 **times. This is the only time there's ever been a**
21 **subpoena.**

<p style="text-align: right;">Page 82</p> <p>1 Q. Did you do anything to look for the</p> <p>2 material requested by that subpoena?</p> <p>3 A. Very much so.</p> <p>4 Q. But you did not look for notes as part</p> <p>5 of that process?</p> <p>6 A. Whatever it told me to do, believe you</p> <p>7 me, I looked very carefully.</p> <p>8 Q. And did you find anything as a result</p> <p>9 of looking for stuff in response to that</p> <p>10 subpoena?</p> <p>11 A. If there was anything found -- and we</p> <p>12 looked carefully -- it was provided.</p> <p>13 Q. And who did you provide that to?</p> <p>14 A. I don't remember if it was to the</p> <p>15 lawyers I was working with, or whatever the</p> <p>16 process was at the time. I took some time, and I</p> <p>17 didn't really have the time for it, but I did it</p> <p>18 as required.</p> <p>19 Q. What's the name of the person that you</p> <p>20 gave the material you found when you looked for</p> <p>21 it?</p>	<p style="text-align: right;">Page 84</p> <p>1 one in there because I said, "the best you can."</p> <p>2 And you go through -- or I go through the sources</p> <p>3 and try and make sure that each thing corresponds</p> <p>4 as it should.</p> <p>5 You know how it is in the editing</p> <p>6 process you, by mistake, maybe cut and pasted a</p> <p>7 little too far and you include a footnote, and</p> <p>8 suddenly a footnote drops and that shoves them</p> <p>9 all off. So you check to make sure that the</p> <p>10 footnotes in the final product are as you</p> <p>11 intended them to be.</p> <p>12 Q. Did you in fact check all the sources</p> <p>13 that are cited in the footnotes of your report?</p> <p>14 A. I believe so.</p> <p>15 Q. When did you do that?</p> <p>16 A. I don't remember. It would have been</p> <p>17 sometime before the 22nd of March.</p> <p>18 Q. And at the time that you checked the</p> <p>19 footnotes sometime before the 22nd of March of</p> <p>20 this year, were the footnotes accurate?</p> <p>21 A. As far as I can remember.</p>
<p style="text-align: right;">Page 83</p> <p>1 A. If there was any material to give, I</p> <p>2 don't remember, it was one of the lawyers</p> <p>3 involved in this case.</p> <p>4 I recall in the end, I assume it was</p> <p>5 your law firm provided the subpoena to someone</p> <p>6 else. It wasn't actually provided to me, because</p> <p>7 the person kept coming when I was out of town.</p> <p>8 So I assume it would have been that person.</p> <p>9 Q. So just so the record is clear: Today</p> <p>10 you're not sure whether your report has been fact</p> <p>11 checked, right?</p> <p>12 A. I'm sure I did my fact checking of it,</p> <p>13 as best I could. I'm can't remember if I had</p> <p>14 someone else fact check it.</p> <p>15 Q. Now, when you said you did your fact</p> <p>16 checking as best you could, what do you mean by</p> <p>17 that?</p> <p>18 A. Well, you don't just, you know, write</p> <p>19 something and type the last word, and hit enter</p> <p>20 and print and send. So you try the best you can</p> <p>21 to review it for typos, or if there's at least</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Your report also mentions that you've</p> <p>2 received a number of awards and honors.</p> <p>3 Have you received any awards or honors</p> <p>4 for work related to the Scope of Engagement of</p> <p>5 this report?</p> <p>6 A. I have received no honor that rewards</p> <p>7 me for the specific language in the Scope of this</p> <p>8 Engagement.</p> <p>9 Q. You also mention that you're in the</p> <p>10 Council on Foreign Relations.</p> <p>11 Have you done any work at the Council</p> <p>12 of Foreign Relations related to the Scope of</p> <p>13 Engagement in this case?</p> <p>14 A. Not that I recall.</p> <p>15 Q. You also mention that you worked for</p> <p>16 something called the ICT. What is that?</p> <p>17 A. I don't work for the ICT. The ICT is</p> <p>18 the Institute for Counterterrorism, and it is a</p> <p>19 University-affiliated think tank in Israel.</p> <p>20 Q. Which University is it affiliated</p> <p>21 with?</p>

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1 **A. It's called the Interdisciplinary**
 2 **Center. It's, I think, the largest private**
 3 **University in the country.**

4 Q. And what is your connection with ICT?
 5 You said you did not work for them. How are you
 6 related to them?

7 **A. Lots of organizations like that will**
 8 **have -- they'd call it different names, but**
 9 **basically an international advisory board. It's**
 10 **not a staff position. It's not paid position.**
 11 **And what it means is that every once and**
 12 **awhile -- and usually it's quite the while --**
 13 **they'll ask your opinion about something.**

14 THE REPORTER: The last what?

15 THE WITNESS: And it really is every
 16 once in awhile they'll ask your opinion.

17 MR. HILL: They'll ask your opinion
 18 about something.

19 THE REPORTER: Thank you.

20 MR. HILL: And it really is: Every
 21 once in a while they'll ask your opinion.

1 speak at that conference?

2 **A. Yeah. I've missed it sometimes. It's**
 3 **not every year, but most years.**

4 Q. You also mention that you've had some
 5 work related to something called the ICPVTR in
 6 Singapore; is that right?

7 **A. Right. And you have it in front of**
 8 **you. I'll ask you to spell it out. I don't even**
 9 **remember what it stands for.**

10 Q. The International Centre for Political
 11 Violence and Terrorism Research.

12 **A. Thank you.**

13 Q. What work have you done with that
 14 organization?

15 **A. Very similar. It's really, in both**
 16 **cases, it's a perfunctory sitting on their**
 17 **international advisory board. Occasionally, they**
 18 **seek advice, or they'll have a student who's**
 19 **doing research and they'll ask you to be**
 20 **available for an interview, or provide some**
 21 **guidance on the substance for a career type of**

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1 BY MR. HILL:

2 Q. Did you finish your answer?

3 **A. Yes.**

4 Q. Have you ever received any money from
 5 ICT?

6 **A. No. They have covered -- I go to**
 7 **their annual conference and they have paid I**
 8 **think hotel, as they do I think for most of their**
 9 **speakers. Most or all or -- well, I don't know.**

10 Q. You've spoken at their conferences?

11 **A. Yes.**

12 Q. On how many occasions?

13 **A. Several. It's an annual conference,**
 14 **and I speak most years.**

15 Q. Is it always in the same place?

16 **A. Pardon?**

17 Q. Is it always held in the same place?

18 **A. Yes.**

19 Q. Where is that?

20 **A. Herzliya, H-E-R-Z-L-I-Y-A, in Israel.**

21 Q. So you go to Israel once a year to

1 **thing.**

2 **I think I went out there to speak for**
 3 **them only once, years ago. I had a conference**
 4 **that they -- I don't know if it was only them, or**
 5 **if they co-sponsored it, but it was in Singapore,**
 6 **where they're located.**

7 Q. Did your work for the ICT or the
 8 ICPVTR, have anything to do with the Scope of
 9 Engagement in this case?

10 **A. Well, again, I have not worked for**
 11 **either.**

12 **My very limited affiliation with**
 13 **either has not been on any project of any sort on**
 14 **this or anything else. No.**

15 Q. So the connection with that is not
 16 connected to this report, right?

17 **A. Correct.**

18 Q. You've also mentioned that you've done
 19 some teaching at West Point and George
 20 Washington. Just so the record is clear: None
 21 of that teaching has anything to do with the

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1 Scope of Engagement in this case, correct?

2 MR. HORTON: Object to the form.

3 **A. So let me clarify: George Washington**

4 **is not teaching. I've had a fellowship at a**

5 **think tank, the Homeland Security Policy**

6 **Institute, HSPI, at George Washington.**

7 **And West Point, I had a fellowship**

8 **there at one point and periodically taught --**

9 **West Point had a contract to provide teaching for**

10 **the FBI Academy, and I think it might have been**

11 **some other FBI and other intelligence community**

12 **trainings. And as part of that, I was an**

13 **instructor for some of their courses. So just to**

14 **clarify.**

15 **And so the answer regarding George**

16 **Washington is: No, I don't think I've done**

17 **anything with them relating to**

18 **Israeli-Palestinian conflict issues.**

19 **But, again, this is easily checked.**

20 **I'm just doing this from memory.**

21 **And West Point, I don't think that any**

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1 **of it was specifically on this, but it could have**

2 **come up in courses on larger issues. Again, I**

3 **think I've taught a course for them on state**

4 **sponsorship issues, or that included state**

5 **sponsorship issues, so it might have come up**

6 **then. I really don't remember. But it would not**

7 **have been a course on the specifics of the Scope**

8 **of Engagements.**

9 Q. So sitting here today, you can't

10 recall any teaching in connection with the West

11 Point work related to the Scope of Engagement in

12 this case, correct?

13 **A. Again, no teaching of an entire course**

14 **on this.**

15 **Could it have come up? Could it have**

16 **come up? Yes, but it would have been as part of**

17 **a discussion related to a larger theme.**

18 THE WITNESS: Does anybody else want

19 water, by the way?

20 (No response.)

21 MR. HILL: Go right ahead.

1 THE WITNESS: Sorry.

2 MR. HILL: That's all right.

3 BY MR. HILL:

4 Q. You mention that you've testified

5 before Congress.

6 Has any of your Congressional

7 testimony related to the Scope of Engagement in

8 this case?

9 **A. We'd have to check. Again, you have**

10 **that list. It's possible.**

11 Q. Sitting here today, you cannot

12 recollect an instance when you testified before

13 Congress about the relationship between the AAMB

14 and Fatah, correct?

15 **A. I don't remember the specific**

16 **testimony as I've given over the years.**

17 **It's very likely that this was part of**

18 **the Congressional testimony I'd given at one**

19 **point or another, but I don't recall.**

20 Q. Okay. Sitting here today, you cannot

21 recollect any Congressional testimony relating to

Page 93

1 whether the PA or PLO supported terrorism during

2 the second Intifada, correct?

3 **A. No, I cannot recollect.**

4 **But, again, we can -- very quickly**

5 **you'd be able to check this. You should have the**

6 **full list.**

7 Q. You mention that you previously

8 testified as an expert witness in court.

9 Has any of your prior testimony in

10 court pertained to the Scope of Engagement in

11 this case?

12 **A. I don't think so.**

13 Q. Okay.

14 **A. I've done it a few times and, so,**

15 **sometimes it kind of bleeds one thing into the**

16 **other. Sometimes it's hard to remember, you**

17 **know: Was that a case that I did testify in, or**

18 **didn't? But I don't think I have.**

19 Q. Sitting here today, can you recollect

20 being deposed about the Scope of Engagement in

21 this case, in any other case?

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1 **A. No. I've been deposed on issues**
 2 **relating to the Israeli-Palestinian conflict, but**
 3 **not specifically to the issues in the Scope of**
 4 **Engagement.**

5 Q. Okay. And is it correct, sir, that
 6 you have never been previously qualified to
 7 testify as an expert on the Scope of Engagement
 8 in this case?

9 **A. That's a pretty narrow Scope of**
 10 **Engagement, so I have not been -- I have never**
 11 **been asked to provide testimony on this specific**
 12 **Scope of Engagement, and have never been**
 13 **qualified.**

14 **I have been qualified everytime it's**
 15 **ever come up. I've never not been qualified.**
 16 **But I've never been asked to be qualified on**
 17 **this.**

18 Q. Okay. So on the other occasions where
 19 you have been qualified as an expert witness,
 20 those have been on subject matters other than
 21 this particular Scope of Engagement, right?

1 the Scope of Engagement in this case?

2 **A. One was a case that related to the**
 3 **Israeli-Palestinian conflict, though not Al Aqsa**
 4 **Martyrs Brigade. That was a case involving the**
 5 **PFOP in Denmark, not specific to the Scope of**
 6 **Engagement, but related. That's it.**

7 Q. And the Denmark testimony, just so the
 8 record is clear, did not involve the issue of
 9 whether the PA or PLO supported terrorism during
 10 the second Intifada, correct?

11 **A. There may have been questions that got**
 12 **to that line of questioning because of the**
 13 **question of the PFOP was a constituent element of**
 14 **the PLO. So that might have come up, and it**
 15 **might have come up in the written testimony, as**
 16 **well.**

17 Q. Do you have a copy of that testimony?

18 **A. It's possible. Not here.**

19 Q. Where would it be located?

20 **A. In the court in Denmark.**

21 Q. Is there any copy located in the

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1 **A. Well not really, no.**

2 **Some of them where the case wasn't**
 3 **specific to this, my testimony was quite broad**
 4 **and I was qualified as an expert on things as**
 5 **broad as, you know, Middle East terrorism;**
 6 **terrorism in the Israeli-Palestinian conflict,**
 7 **this type of thing. And some of the testimony**
 8 **might have touched on issues relating to the**
 9 **Scope of Engagement, as sometimes the questions**
 10 **would get very detailed and historical.**

11 Q. But you've never been qualified as an
 12 expert on the relationship between the AAMB and
 13 Fatah, correct?

14 **A. Correct.**

15 Q. And you've never been qualified as an
 16 expert on whether the PA or PLO supported
 17 terrorism during the second Intifada, correct?

18 **A. Correct.**

19 Q. You mention that you previously
 20 testified in Canada or Europe. Did that foreign
 21 testimony, if you will, have anything to do with

1 United States that you're aware of?

2 **A. I don't know.**

3 Q. You mention that you submitted some
 4 written testimony. Do you have a copy of that?

5 **A. I mentioned that it might be. I can't**
 6 **remember if I did submit some written testimony.**
 7 **As you're aware different cases even in the**
 8 **United States, some do, some don't. And I don't**
 9 **maintain hard copies of those. And it's possible**
 10 **that there's soft, I don't know.**

11 Q. How much have you been paid for your
 12 work on this case?

13 **A. As I say up front in the Scope of**
 14 **Engagement, I was paid \$5,000.00 for the drafting**
 15 **of this report. And the hourly rate we're**
 16 **working at now is \$400.00 an hour.**

17 Q. How much time did you spend in working
 18 on this report?

19 **A. I don't recall.**

20 Q. Did you work on it before you signed
 21 it on March 22nd?

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1 **A. By definition.**

2 Q. But you don't have any recollection of
3 how long you spent working on it prior to signing
4 it?

5 **A. That's right.**

6 Q. At your hourly rate, \$5,000.00 would
7 be about 12 and a half hours, by my math.

8 Do you think you spent 12 and a half
9 hours working on the report before you signed it?

10 **A. I have no idea.**

11 Q. Could it have been less than 12 and a
12 half hours?

13 **A. Probably not. It takes time. It**
14 **happens to be an issue on which, as we've**
15 **discussed earlier, I've done a lot of work,**
16 **didn't need to do perhaps as much original work**
17 **for this research, that is to say, as I might**
18 **have for other things. But I honestly don't know**
19 **the hours, the number of hours. Probably a lot**
20 **more than 12, is my guess.**

21 Q. Okay. When did you first start

Page 99

1 working on this report?

2 **A. No idea.**

3 Q. Was it in the Year 2012?

4 **A. No idea. I have no idea when I was**
5 **first approached about this case. I'd have to go**
6 **back and look. It's probably some e-mails or**
7 **something somewhere, but I really don't remember.**

8 Q. Did anyone else work on this report?

9 **A. No.**

10 Q. Did you have help from anyone in
11 connection with this report?

12 **A. No.**

13 Q. Have you previously done work as an
14 expert witness in cases against the PA or the
15 PLO?

16 **A. I think there is one other, which I**
17 **don't know where it stands. I think that was the**
18 **Klineman case.**

19 THE REPORTER: Klineman?

20 THE WITNESS: Yeah, I think it's

21 Klineman. I think K-L-I-N-E-M-A-N, perhaps.

1 Q. What work did you do in connection
2 with the Klineman case?

3 **A. I was an expert.**

4 Q. And did you prepare a report in that
5 case?

6 **A. I don't remember if there was a report**
7 **prepared in that case. And there hasn't been**
8 **testimony yet.**

9 Q. This is, in fact, the first time
10 you've ever testified in a case against the PA or
11 PLO, right?

12 **A. It's possible, yes.**

13 Q. You can't recollect any other
14 testimony where the defendant was the PA or PLO?

15 **A. No, I don't think I was. I'm pretty**
16 **certain this is the first.**

17 Q. Did you ever work on a case called
18 Sapperstein?

19 **A. I did.**

20 Q. What work did you do in that case?

21 **A. Sapperstein, I have to check. I can't**

Page 101

1 **remember if I testified in that case, or wrote a**
2 **report. I apologize, but that's easy to check.**
3 **It's not off memory sitting here.**

4 Q. Did you ever work on a case called
5 Parsons?

6 **A. Yes. In that case, I'm pretty sure**
7 **that -- I don't think I did a report. I did not**
8 **testify. I don't think I testified.**

9 Q. Did you ever work on a case called
10 Ungar, U-N-G-A-R?

11 **A. I don't think I -- it's familiar. I**
12 **can't recall if I had some involvement.**

13 **There are times when I'll be**
14 **approached for advice or something, or as a**
15 **consultant, and there's no report, there's no**
16 **testimony. And sometimes just because I follow**
17 **these things, it's familiar.**

18 **But these are things that I can check**
19 **and definitively answer, just not sitting here**
20 **off memory.**

21 Q. Okay. Who approached you about

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1 working as an expert witness in this case?

2 **A. I think it was first Nitsana Darshan**
3 **Leitner.**

4 THE REPORTER: Say that again.

5 THE WITNESS: First name Nitsana,
6 N-I-T-S-A-N-A. Middle name D-A-R-S-H-A-N. Last
7 name L-E-I-T-N-E-R, I think. It may not be
8 exact.

9 THE REPORTER: Thank you.

10 BY MR. HILL:

11 Q. Do you know how much you've been paid
12 to act as an expert in cases against the PA or
13 the PLO?

14 **A. No.**

15 Q. Do you know how much you've generally
16 been paid to serve as an expert witness across
17 all of the cases where you've testified?

18 **A. No.**

19 Q. Is it hundreds of thousands of
20 dollars?

21 **A. Not hundreds. But over the more than**

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1 **a decade, all cases all totalled, it's over a**
2 **hundred. I have no idea what the total figure**
3 **would be.**

4 Q. Somewhere between 100 and \$200,000 for
5 serving as an expert witness over the last ten
6 years?

7 **A. It's possible.**

8 Q. Does that seem like the right
9 ballpark?

10 **A. I honestly don't know.**

11 Q. How much of that, let's call it over
12 \$100,000, were you paid in connection with being
13 an expert in cases where the PA or the PLO were
14 defendants?

15 **A. Some tiny, tiny, tiny fraction.**

16 Q. At least \$5,000, right?

17 **A. At least \$5,000.**

18 Q. You have a series of publications
19 listed in your report which begin on Page 5. Do
20 any of the books that you list on Page 5 relate
21 to the Scope of Engagement in this case?

1 **A. So we discussed earlier there's some**
2 **references in the Hamas book.**

3 **Negotiating Under Fire is the**
4 **published book version of my dissertation which**
5 **we discussed earlier, which predates.**

6 **And Targeting Terror is a collection**
7 **of essays, and there are some that are**
8 **specifically related to the issues at hand, yes.**

9 Q. You mentioned that the Hamas book was
10 peer reviewed.

11 Was Targeting Terror peer reviewed?

12 **A. Yes, and no.**

13 **So Targeting Terror was published by**
14 **The Washington Institute, the think tank where I**
15 **work, not by a university press, so it did not go**
16 **out for independent, blind peer review. It did**
17 **undergo peer review by other colleagues in the**
18 **Institute. It might have gone to some people**
19 **outside of the Institute, too, which is sometimes**
20 **the case. So it did get peer review, but it**
21 **didn't get the level of peer review that you**

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1 **would get, for example, in my books from**
2 **Georgetown or at Yale.**

3 Q. Who are the colleagues who did the
4 review, as you've described it, of Targeting
5 Terror?

6 **A. I don't remember. Our Director of**
7 **Research is Dr. Patrick Clawson, so he would have**
8 **coordinated it.**

9 Q. Can you recall the name of any
10 reviewers of that book other than Mr. Clawson?

11 **A. I can't, and I can't tell you that he**
12 **was one of the ones who actually -- well,**
13 **presumably since he was coordinating it, but --**

14 Q. You think Mr. Clawson might have
15 reviewed it? You're not sure?

16 **A. He would have coordinated the process,**
17 **I don't know, and he probably would have read**
18 **through it, given some review. But he has to do**
19 **this for everyone on staff, so I imagine he**
20 **doesn't actually give a firm review to**
21 **everything. Sometimes he maybe just coordinates**

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1 **it, I don't know.**

2 Q. So can you tell me today the name of
3 any person who reviewed the book Targeting
4 Terror?

5 **A. No.**

6 Q. You said it might have gone outside of
7 the Institute. Do you recollect whether, in
8 fact, someone outside of WINEP reviewed it?

9 **A. I don't.**

10 MR. HILL: WINEP is W-I-N-E-P.

11 Q. You have a series of monographs on
12 Page 5 to Page 6. Do any of those monographs
13 pertain to the Scope of Engagement in this case?

14 **A. I don't think so.**

15 Q. You have a series of chapters on Page
16 6 of the report. Do any of those pertain to the
17 Scope of Engagement in this case?

18 **A. I don't remember if it's included in**
19 **the third, The Evolving Threat of International**
20 **Terrorism and Government Response, and not on the**
21 **others here.**

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1 Q. You, beginning on Page 7, have a
2 series of journal articles listed in your report,
3 which carries over to Page 8. Do any of those
4 journal articles pertain to the Scope of
5 Engagement in this case?

6 (Witness Reviews Document.)

7 MR. HILL: Mark that next.

8 (Defendant's Deposition Exhibit Number
9 183 was marked for identification.)

10 **A. So on Page 8 -- again we'd have to**
11 **check. Some of these are quite old and broad**
12 **titles.**

13 **Untangling the Terror Web, may have.**

14 **The Politics of Terrorist Financing in**
15 **the Middle East, may have.**

16 **I don't think the others do.**

17 Q. Dr. Levitt, let me hand you what we've
18 marked as Deposition Exhibit Number 183. Do you
19 recognize this?

20 **A. This is a version of my CV.**

21 Q. I will represent to you that this is

1 the version that was sent to me by the
2 Plaintiffs' lawyers in this case. Can you tell
3 from looking at it if it's current?

4 **A. I'm sure there is stuff to be updated.**
5 **I'm sure it's not current in terms of articles,**
6 **testimonies, lectures. It still has me -- oh,**
7 **no, it doesn't. It's fairly current but, you**
8 **know --**

9 Q. Okay. Let's look at the publications
10 which start on Page 3.

11 **A. Okay.**

12 Q. I think the books are the same as we
13 looked at the report. But just for the record:
14 Do any of those books, other than the ones you've
15 previously described, relate to the Scope of
16 Engagement in this case?

17 **A. No, it's the same list.**

18 Q. There's a series of monographs
19 beginning on Page 4. Do any of those monographs,
20 other than the one you've previously mentioned,
21 pertain to the Scope of Engagement in this case?

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1 **A. No, it looks like it's the same list.**

2 Q. And, again for the record: The
3 chapters that begin on Page 5, do any of those
4 chapters, other than the ones you've previously
5 mentioned, relate to the Scope of Engagement in
6 this case?

7 (Witness Reviews Document.)

8 **A. It's possible that fourth from the**
9 **bottom, Iran and Syria; State Sponsorship in the**
10 **Age of Terror Networks, that may include some**
11 **relevance.**

12 Q. Okay. Anything else on chapters?

13 **A. No.**

14 Q. On Page 6, there's a series of what's
15 described as Testimony/Lectures. Do any of the
16 items listed there, which continue for several
17 pages, pertain to the Scope of Engagement in this
18 case?

19 **A. So on Page 7, second from the bottom,**
20 **the testimony on "The Fatah-Hamas**
21 **Reconciliation," that may have.**

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<p>1 On Page 9, midway down the page, 2 "Combating the Financing of Transnational 3 Threats," that's a week-long course that I taught 4 there. 5 Oh, I forgot about this, if I may: 6 You asked me if I've ever been paid by the ICT or 7 the IDC. They paid me to teach this course. 8 Q. Okay. Let's pause there for a second. 9 How much did they pay you? 10 A. I don't remember. I think it was like 11 \$1,000 or \$2,000. 12 Q. In addition to your expenses? 13 A. I'm sure, yeah. I'm sorry, I forgot 14 about that. 15 Q. That's okay. 16 Are those course materials publicly 17 available any where? 18 A. I don't know. 19 Q. Do you have a copy of them? 20 A. I don't know. 21 Q. If you could continue reviewing the</p>	<p>1 The next one I can't remember if this 2 related to Al Aqsa at all, "What Policymakers can 3 Learn from Palestinian Social Media." 4 A couple more down, "Disrupting the 5 Flow of Funds to Terrorist Groups and their 6 Supporters: How The Justice Against Sponsors of 7 Terrorism Act Could Help." 8 Towards the top, second down on Page 9 13, "Contending with Iran's Proxies." Again, it 10 may have come up there. 11 Toward the middle of that page, still 12 on 13, "Contending with Iran's State Sponsorship 13 of Terrorism in the Context of its Nuclear 14 Program." 15 A couple more down, "Disrupting 16 Adversary Networks: Combating Terror Finance." 17 Again, so that obviously isn't a lecture on the 18 specific areas of the Scope of Engagement, but 19 that series of lectures tends to have a big 20 middle with case studies from across many 21 different groups that I might have included in</p>
Page 111	Page 113
<p>1 material under the heading of Testimony/Lectures, 2 and let me know if there's any other items in 3 there that may relate to the Scope of Engagement 4 in this case? 5 A. There are several with broad topics. 6 So, for example, at bottom of Page 9, "Missing 7 the Forest for the Trees: A Call for Strategic 8 Counterterrorism Ten Years after 9/11," that may 9 or may not -- that may have had nothing to do 10 with it, might have had some reference to the 11 issues. 12 And, again, on the top of Page 10, 13 this lecture, "Terrorism in and from the Middle 14 East," from the Royal Danish Defense College, 15 might not have touched on this at all, but I 16 honestly can't remember. And from the title, 17 it's just impossible to tell. 18 On the top of Page 11, there's another 19 one that may or may not. Glocal, 20 G-L-O-C-A-L-I-Z-A-T-I-O-N, "Glocalization of the 21 Global Jihad."</p>	<p>1 one of these. 2 In the middle of Page 14, "Dealing 3 with Hamas: Future Pathways for Britain." 4 Further down that page, "Reforming 5 U.S. Counter-Terrorism Assistance Programs." 6 A couple farther down, "What Next in 7 Gaza?" 8 And after that, "Negotiating Under 9 Fire," this looks like it was a book talk when 10 that book came out. But while the book was 11 limited to a period earlier, the questions and 12 answers always come to what's happening now, so 13 that probably came up there. 14 Four down on Page 15, "Iran, Hamas and 15 the Palestinians." 16 And below that is, again, "Negotiating 17 Under Fire." 18 Five down on Page 16. There's an 19 extra word there, but "Israel, the Palestinian 20 Territories, and the Peace Process: Domestic, 21 Regional and International Perspectives."</p>

<p style="text-align: right;">Page 114</p> <p>1 One farther down, "The Future of 2 Palestinian Terrorism." 3 At the bottom of that Page 16, "Panel 4 on 'Security in the West Bank' at a conference on 5 'Whither the Palestinians? Politics and Policy 6 at a Time of Crisis'." 7 On Page 17 towards the bottom there 8 are a few more, again, book talks related now to 9 the Hamas book, where a few groups might have 10 come up. 11 Q. Which ones are those, sir? 12 A. So there tend to be a all-entitled, 13 the title of the book, "Hamas: Politics, Charity 14 and Jihad." There's one at Chatham House, five 15 from the bottom. 16 And then three from the bottom, the 17 Transatlantic Institute. 18 The very bottom of Page 17, "Teaching 19 Terror: How Hamas Radicalizes Palestinian 20 Society," again, clearly focused on Hamas, but 21 this might have come up, as well.</p>	<p style="text-align: right;">Page 116</p> <p>1 relationship between the AAMB and Fatah, correct? 2 A. Correct. 3 Q. And sitting here today, you cannot 4 recollect if any of the items that you've 5 identified involved a discussion of whether the 6 PA or PLO supported terrorism during the second 7 Intifada, correct? 8 A. Correct. 9 Q. We'll take a break in just a minute. 10 I just want to make sure that we have a common 11 understanding of what can happen on breaks. 12 Dr. Levitt, do you understand that 13 your testimony here today is conducted as if you 14 were at trial? And that that means you may not 15 have conversations about the substance of your 16 testimony with anyone while you're on a break? 17 A. Yes. 18 Q. And, Dr. Levitt, do you also 19 understand that if you should have a conversation 20 about the substance of your testimony while 21 you're on the break, I may ask you about that?</p>
<p style="text-align: right;">Page 115</p> <p>1 In the middle of Page 18, "Iranian 2 State Sponsorship of Terror: Threatening U.S. 3 Security, Global Stability, and Regional Peace." 4 The bottom of Page 18, "Untangling the 5 Terror Web." 6 The top of Page 19, the "Panel 7 discussion on 'The Matrix of International 8 terrorism'. 9 Two down from that, "Combatting 10 Terrorist Financing: Where the War on Terror 11 Intersects the 'Road Map'. 12 And then the last two in that section, 13 "Syrian Sponsorship of Global Terrorism," and 14 then "Charitable and Humanitarian Organizations," 15 those also might have included some of this. 16 Q. Okay. 17 A. That's the end of this section. 18 Q. So as far as the section that we've 19 just discussed, sitting here today, you cannot 20 recollect if any of those items that you've 21 identified, in fact, involved a discussion of the</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Absolutely. 2 Q. And do you understand that that covers 3 not only our break now, but our lunch break, and 4 our recess this evening, and applies until we 5 conclude the deposition tomorrow? 6 A. Absolutely. 7 MR. HILL: Okay. Let's take a short 8 break. 9 (Brief Recess.) 10 MR. HILL: Mark that one as the next 11 one. 12 (Defendant's Deposition Exhibit Number 13 184 was marked for identification.) 14 BY MR. HILL: 15 Q. Doctor Levitt, did you communicate 16 with anyone about the substance of your testimony 17 over the break? 18 A. No. 19 Q. Let me show you what we've marked as 20 Defendant's Deposition Exhibit Number 184. This 21 is an article from the USA Today, by Matthew</p>

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1 Kalman. And this is cited a number of times in
2 your report; is that correct?

3 **A. I'll take your word for it.**

4 Q. Have you seen the document before?

5 **A. Presumably. I haven't seen it in a**
6 **long time.**

7 Q. Okay. Well, look at, if you will,
8 Page 8 of your report.

9 **A. Page 8?**

10 Q. I think you want the report, Dr.

11 Levitt. You're on the CV.

12 **A. There we go.**

13 Q. And you see there after the Roman
14 Numeral IV, there's a quote from someone called
15 Maslama, M-A-S-L-A-M-A, Thabet, T-H-A-B-E-T. Do
16 you see that, sir?

17 **A. I do.**

18 Q. And your citation in Footnote 3 there
19 is to the exhibit that we've marked that's in
20 front of you, the USA Today article, correct?

21 **A. Correct.**

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1 Q. And have you ever spoken to
2 Mr. Thabet?

3 **A. No.**

4 Q. Have you ever spoken to the author of
5 this article, Mr. Kalman?

6 **A. I have.**

7 Q. You have spoken to Mr. Kalman?

8 **A. Yes.**

9 Q. Did you speak to him about the subject
10 of this article?

11 **A. If I had, it was years ago, not now.**
12 **I have no recollection, so --**

13 Q. And in what context did you speak to
14 Mr. Kalman?

15 **A. He's a reporter. I'm an expert that**
16 **follows these things. He calls sometimes for**
17 **quotes or for background information, or I see**
18 **him at conferences. There's kind of that overlap**
19 **of Vin diagram of circles.**

20 Q. I see. But to the best of your
21 recollection, you cannot remember ever speaking

1 to Mr. Kalman about this particular article or
2 the people that he quotes in it, right?

3 **A. Correct.**

4 Q. Do you know if Mr. Thabet was
5 accurately quoted by Mr. Kalman?

6 **A. I assume he was because it made it**
7 **into the print, and there was never a retraction,**
8 **as far as I know.**

9 Q. Do you know if Mr. Thabet speaks
10 English?

11 **A. I do not.**

12 Q. Do you know if the English that he is
13 quoted as having said, is an accurate translation
14 of what he may have said in a foreign language?

15 **A. I would assume it is because it's a**
16 **reputable outlet, but I don't know that it was in**
17 **Arabic.**

18 Q. Do you know if Mr. Thabet is, in fact,
19 associated with the AAMB?

20 **A. That is how he is described here.**

21 Q. Apart from how he's described in the

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1 USA Today article, do you have any knowledge of
2 whether he is, in fact, associated with the AAMB?

3 **A. I'd have to check. What I mean by**
4 **that is: In my business, I come across names of**
5 **lots and lots of different people, and there's**
6 **just no way to remember everything.**

7 **If you'd asked me this question around**
8 **the time when all this was happening, I probably**
9 **could have answered to you like that (snapping**
10 **fingers). The same way I have a Hezbollah book**
11 **that just came out, if you ask me something like**
12 **that, I can answer it like that (snapping**
13 **fingers). But now, offhand, I can't tell you**
14 **from where I would know that.**

15 Q. Have you attempted to verify the
16 accuracy of the facts asserted in the quote
17 attributed to Mr. Thabet, in any fashion?

18 **A. I'm sorry. Does that mean have I**
19 **tried to verify the quote, or the facts in the**
20 **quote?**

21 Q. The facts in the quote. We've already

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<p>1 established that you haven't done anything to</p> <p>2 verify the quote, right? You just read it from</p> <p>3 the article and cited it, right?</p> <p>4 A. Well, yes and no. I read it in the</p> <p>5 article, I cited it as we discussed earlier. I</p> <p>6 know the author who's a credible journalist. I</p> <p>7 have regular conversations with people about</p> <p>8 these things all the time. I often do check</p> <p>9 quotes with people, but I can't tell you if I did</p> <p>10 this one or not.</p> <p>11 Q. Okay.</p> <p>12 A. And this is something that I was</p> <p>13 spending a lot of time researching here and there</p> <p>14 on the ground in Israel and the West Bank.</p> <p>15 Q. When were you on the ground in Israel</p> <p>16 and the West Bank related to this issue?</p> <p>17 A. I'd have to check the dates, but</p> <p>18 several times.</p> <p>19 Q. Were you there on or around March of</p> <p>20 2002?</p> <p>21 A. I'm sure I was there 2002. I don't</p>	<p>1 Q. What other scholars have you looked at</p> <p>2 to determine whether what Mr. Thabet claims is</p> <p>3 accurate?</p> <p>4 A. I don't know offhand. As I said, I do</p> <p>5 this work all the time. And this is, we're</p> <p>6 talking, a decade ago. So who did I talk to a</p> <p>7 decade ago?</p> <p>8 Q. Are you familiar with an organization</p> <p>9 called Human Rights Watch?</p> <p>10 A. I am.</p> <p>11 Q. Do you believe it has any expertise in</p> <p>12 this area?</p> <p>13 A. Human Rights Watch is a very credible</p> <p>14 human rights organization. So, you know, in this</p> <p>15 area, they're not -- they don't have terrorism</p> <p>16 expertise. They're not necessarily in the best</p> <p>17 position to be able to say whether someone is or</p> <p>18 isn't a member of a group.</p> <p>19 But on human rights issues, they're a</p> <p>20 well-known group. I know they've been criticized</p> <p>21 sometimes for some work they've done, and other</p>
Page 123	Page 125
<p>1 know if it was in March. I don't have the dates</p> <p>2 handy.</p> <p>3 Q. So to return to the original question:</p> <p>4 Have you done anything to verify the accuracy of</p> <p>5 the facts asserted in the quote attributed to</p> <p>6 Mr. Thabet by Mr. Kalman?</p> <p>7 A. Sure. The reason this is put up here</p> <p>8 as a kind of upfront quote, is because it then is</p> <p>9 something that is the subject of I don't know how</p> <p>10 many pages of discussion, 20-something pages of</p> <p>11 discussion as we follow, so it's not in</p> <p>12 isolation.</p> <p>13 Q. Have you done anything to determine</p> <p>14 whether other scholars have analyzed the accuracy</p> <p>15 of Mr. Thabet's claim?</p> <p>16 A. Have I done anything to --</p> <p>17 MR. HORTON: I'll object to the form.</p> <p>18 You may answer.</p> <p>19 A. So you're not asking about Mr. Thabet</p> <p>20 at all? You're asking about the claim? Yes,</p> <p>21 absolutely.</p>	<p>1 times not. But as far as I understand, it's one</p> <p>2 of the well-known human rights groups.</p> <p>3 Q. Have you ever considered the report</p> <p>4 that Human Rights Watch prepared, about the</p> <p>5 accuracy of Mr. Thabet's claim?</p> <p>6 A. I don't know offhand.</p> <p>7 Q. Is that something that you should take</p> <p>8 into account as an expert in this area?</p> <p>9 A. There's no "should." I'd have to see</p> <p>10 what it is we're talking about. And odds are</p> <p>11 that I did see it at the time. Again, I was</p> <p>12 focused very closely on these issues.</p> <p>13 And just because a human rights group</p> <p>14 writes something, doesn't mean that it is the</p> <p>15 holy grail or that the opposite is the holy</p> <p>16 grail. It would be the type of thing that you'd</p> <p>17 talk to people about.</p> <p>18 Q. Well, let me show you this and we'll</p> <p>19 see if you ever remember seeing it before.</p> <p>20 MR. HILL: Let's mark this as our next</p> <p>21 exhibit.</p>

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<p>1 (Defendant's Deposition Exhibit Number 2 185 was marked for identification.) 3 BY MR. HILL: 4 Q. Let me hand you what we've marked as 5 185. Dr. Levitt, if you'll turn to Page 81 of 6 that document. 7 A. I'm sorry, 81? 8 Q. Yes, sir. And if you'll look at the 9 second paragraph on Page 81, it says, "At least 10 one ranking al-Aqsa Brigades cadre has asserted a 11 direct link between the militias and the Fatah 12 leadership." Do you see that, sir? 13 A. Yes. 14 Q. And then there's a quote there from 15 Mr. Thabet, right? 16 A. Correct. 17 Q. And that's the same quote that you 18 have on Page 8 of your report, right? 19 A. The second half. 20 Q. And if you look at the next paragraph 21 it says, "Most observers, and al-Aqsa Brigades</p>	<p>1 A. Yeah. 2 Q. So the next sentence says, "According 3 to 'spokesman' Usama an-Najjar: 'The members of 4 the al-Aqsa Martyrs are warriors who are not 5 subject to any political decision and have no 6 relation with the first rank of the PA, although 7 some of its members work in sensitive positions 8 in the PA's civil ministries or its security 9 apparatuses.... The Brigades respect the 10 national interest and choose the place and the 11 time to carry out its operations.' He 12 characterized the Brigades as comprising 13 'hundreds of members, aged between twenty-two and 14 fifty-five, who were released from the Israeli 15 prisons or students in Palestinian universities 16 who operate sometimes with and sometimes without 17 coordination'." Do you see that? 18 A. I see it. 19 Q. Are you familiar with this statement 20 by Mr. an-Najjar? 21 A. I am.</p>
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<p>1 participants, disagree with Thabet's 2 characterization." Do you see that? 3 A. I do. 4 Q. Is that information you were aware of 5 at the time you wrote your report? 6 A. Now that I see the report in front of 7 me, I was very aware of this report. It might 8 even be cited elsewhere in my report. It 9 certainly was cited in other work I did. 10 Q. Okay. And you did not put in your 11 report this observation, this statement that most 12 observers disagreed with Thabet's 13 characterization, did you? 14 A. I disagree with the statement. And 15 it's a methodological question, right? How many 16 observers did they interview to be able to say, 17 "Most observers"? What does that even mean, 18 "Most observers"? Methodologically, it's a 19 meaningless statement. 20 Q. You have read this document, right, 21 sir?</p>	<p>1 Q. And you did not include this statement 2 of Mr. an-Najjar in your report, did you? 3 A. No, I did not. 4 Q. And, so, you chose to include the 5 statement from Mr. Thabet, but to exclude the 6 statement of Mr. an-Najjar, correct? 7 A. I included the statement from 8 Mr. Thabet, along with a lot of other things that 9 underscores it, and decided not to include the 10 obvious and logical denial when approached by 11 human rights group. It's like saying, "Al 12 Capone, are you a mob boss?" And Al Capone says 13 "No." We're not surprised. 14 So when Usama an-Najjar asks, "Is 15 there a intimate tie between or is there a tie 16 between al-Aqsa Martyrs and Fatah?" recognizing 17 the potential pitfalls therein, unsurprisingly 18 says "No." 19 Q. Okay. Now, you see the footnote for 20 the quote from Mr. an-Najjar is Footnote 218, 21 right?</p>

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<p>1 A. Yes.</p> <p>2 Q. And that is referring to something</p> <p>3 published by a group called MEMRI. Do you see</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you regard MEMRI as a reliable</p> <p>7 source of information?</p> <p>8 A. They do translations, and they</p> <p>9 translate reliably.</p> <p>10 Q. Okay. And, so, this in fact is not a</p> <p>11 statement Mr. an-Najjar made to Human Rights</p> <p>12 Watch? This is a statement he made to MEMRI,</p> <p>13 correct?</p> <p>14 A. Right. And I don't have in front of</p> <p>15 me the MEMRI document. I don't know what the</p> <p>16 context of that is. But whoever it is, and Human</p> <p>17 Rights Watch is choosing to include it here,</p> <p>18 whether it's to a human rights group or to some</p> <p>19 other public audience, it shouldn't surprise when</p> <p>20 a group that is accused of being engaged in let's</p> <p>21 call it illicit activities, is asked "Are you</p>	<p>1 Brigade is any five or six guys who call</p> <p>2 themselves that,' one PFLP member told Human</p> <p>3 Rights Watch in Jenin." Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. Were you aware of that quote at the</p> <p>6 time you wrote the report?</p> <p>7 A. Yes.</p> <p>8 Q. And you did not include that quote in</p> <p>9 your report; is that correct?</p> <p>10 A. I don't think so, no.</p> <p>11 Q. And did you again exclude that quote</p> <p>12 because you believed that PFLP member was being</p> <p>13 untruthful?</p> <p>14 A. Or it was just wrong. I don't know if</p> <p>15 he was being untruthful, or was stating what he</p> <p>16 believed to be true.</p> <p>17 Q. Okay.</p> <p>18 A. It's also the case that Al Aqsa</p> <p>19 Martyrs Brigades developed over time and</p> <p>20 developed over time at a different pace in</p> <p>21 different cities. And, so, you could have had</p>
Page 131	Page 133
<p>1 engaged in illicit activities?" it should never</p> <p>2 surprise when they say "No."</p> <p>3 Q. Okay. So your position, sir, is that</p> <p>4 you did not include Mr. an-Najjar's statement</p> <p>5 because you believe it to be untrue?</p> <p>6 A. Not because I don't like him. But</p> <p>7 Because the weight of the evidence, as we go on</p> <p>8 in the rest of the 20 pages of the report, is</p> <p>9 very much weighted in opposition to his claim.</p> <p>10 Q. Okay. So you have determined that</p> <p>11 Mr. Thabet's statement is true in your opinion,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. And you've determined that</p> <p>15 Mr. an-Najjar's statement is incorrect in your</p> <p>16 opinion?</p> <p>17 A. Correct.</p> <p>18 Q. The next paragraph at the bottom of</p> <p>19 Page 81 says, "Members of other armed groups</p> <p>20 agreed that the al-Aqsa Martyrs' Brigades are not</p> <p>21 a highly structured group. 'Around here an Aqsa</p>	<p>1 individual Al Aqsa Martyrs' cells that were more</p> <p>2 a bunch of guys, and others that were much more</p> <p>3 highly structured.</p> <p>4 In fact, we get into the report, at</p> <p>5 one point these bunch of guys start coalescing</p> <p>6 and that's when they start reaching out to the</p> <p>7 Palestinian authority and Fatah, for funding and</p> <p>8 support.</p> <p>9 Q. Okay. But it is correct to say that</p> <p>10 you did not include the quote from the PFLP</p> <p>11 member quoted here because you believed it was</p> <p>12 incorrect, right?</p> <p>13 A. Correct.</p> <p>14 Q. The next sentence says, "According to</p> <p>15 one high-level Western diplomat involved in</p> <p>16 security liaison between Israeli and Palestinian</p> <p>17 services, 'there is no [al-Aqsa Brigades]</p> <p>18 infrastructure, just small groups making their</p> <p>19 own small decisions.'" Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And were you aware of that quote from</p>

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1 the high-level Western diplomat at the time you
2 wrote your report?

3 **A. I was aware of this report, so,**
4 **presumably.**

5 **Q. And you did not include that quote**
6 **from the high-level Western diplomat in your**
7 **report, correct?**

8 **A. The unnamed, high-level diplomat,**
9 **correct.**

10 **Q. And you did that because you believe**
11 **that high-level Western diplomate to be**
12 **incorrect?**

13 **A. Again, I don't know who this Western**
14 **diplomat is. I don't know if he is high-level.**

15 **This was a Human Rights Watch**
16 **interview, name withheld. It's very difficult to**
17 **assess how much weight to give to this interview,**
18 **at all.**

19 **I don't know if the person's lying. I**
20 **don't know if the person's saying what they**
21 **believe to be true, but it isn't true. I don't**

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1 **know if they're still high-level. I don't know**
2 **if they're in a position to know or not know.**
3 **It's an anonymous source.**

4 **Q. And you believe it would be**
5 **inappropriate to rely on an anonymous source?**

6 **A. I believe that anonymous sources can**
7 **play a role, never in isolation. And I think**
8 **it's very important to try and give your reader**
9 **as much information as you can.**

10 **There is a place for anonymous sources**
11 **in all this. I even get into a description of**
12 **that in the Introduction of one of my peer**
13 **reviewed books.**

14 **But it is the case that it does make**
15 **it much more difficult to assess the veracity,**
16 **certainly in isolation.**

17 **Q. So one of the reasons that you**
18 **question the veracity of the Western diplomat**
19 **who's quoted here is because their name is**
20 **withheld?**

21 **A. It's only one piece of it.**

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1 **Again, at the time, I was doing a**
2 **tremendous amount of focused research on these**
3 **issues. And the interviews that I was doing,**
4 **which, to be honest, if I were to have cited them**
5 **in a report like this, probably also would have**
6 **had to have been anonymous.**

7 **The officials talk to you often, and**
8 **on background. But you use it as, you know, to**
9 **build your world view of this situation. The**
10 **consensus was quite the opposite.**

11 **Q. And you cannot tell me the name of**
12 **anyone who shared this consensus with you, right?**

13 **A. We've had this conversation already.**

14 **Q. The answer is: You cannot tell me the**
15 **name of any person who told you what --**

16 **A. The answer is I cannot --**

17 **Q. -- you're representing is a consensus,**
18 **right?**

19 **MR. HORTON: Make sure he gets his**
20 **question out before you answer. It makes it very**
21 **hard for her.**

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1 **THE WITNESS: My apologies.**

2 **A. I cannot remember the name of anybody**
3 **I met with a decade ago on these issues.**

4 **Q. You also cite this same article again**
5 **on Page 11, as the source for a quote from**
6 **someone, and this is at Page 11, the first full**
7 **paragraph you quote someone who you describe as**
8 **"Arafat's foreign media spokesman, Mohammed**
9 **Odwan," O-D-W-A-N. Do you see that?**

10 **A. Yes.**

11 **Q. And you've never spoken to Mr. Odwan,**
12 **right?**

13 **A. Correct.**

14 **Q. And do you know if Mr. Kalman**
15 **accurately described him in the article as**
16 **Arafat's foreign media spokesman?**

17 **A. I don't know. Again, at the time, I**
18 **was fairly focused on these issues, and was much**
19 **more familiar with the names than I am today, so**
20 **probably was in a position then to be able to**
21 **tell you more definitively, you know, what his**

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1 position is, or was. But not right now.

2 Q. Have you ever heard of Mr. Odwan
3 outside of this article?

4 A. Again, probably. I'm not focused on
5 this issue now. I don't have this on my finger
6 tips. But I was a decade ago, and probably would
7 have been familiar with him.

8 Q. Did you do anything to verify whether
9 Mr. Odwan he was, in fact, Arafat's foreign media
10 spokesman before you quoted him in your report?

11 A. I don't recall.

12 Q. Would you agree with me that you took
13 the title from Mr. Kalman's article?

14 A. That sounds right.

15 Q. Are you aware that Mr. Odwan was
16 deposited in the Klineman case?

17 A. No.

18 Q. I take it, then, that the lawyers did
19 not provide you a copy of Mr. Odwan's testimony
20 in the Klineman case?

21 A. Either they did not. Or they did and

1 lower-level functionary alone, no.

2 Q. Would the fact that he testified that
3 he was not authorized to make press statements
4 affect your reliance on his quotation?

5 A. That alone, no. Again, you'd want
6 them to follow up, right?

7 Q. Did you do anything to follow up on
8 the accuracy of his quote?

9 A. On the accuracy of his quote, or the
10 quotes that you're now telling me about that I
11 hadn't heard about before?

12 Q. On the accuracy of the quote that
13 you're relying on, sir, did you do anything to
14 follow up on the accuracy of that quote?

15 A. I don't recall. As I told you
16 earlier, I often will, and not every single time.

17 Matthew Kalman is a respected reporter
18 who has a good track record.

19 Q. Does the fact that Mr. Kalman
20 apparently inaccurately described Mr. Odwan's
21 title, in this instance, affect your relying on

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1 I have completely forgotten. But I don't think
2 so.

3 Q. Then, would it affect your opinion at
4 all to learn that Mr. Odwan testified that his
5 job was actually press coordinator?

6 A. No.

7 Q. Would it affect your opinion to learn
8 that Mr. Odwan testified that his job was like
9 being a bell hop and escorting reporters around?

10 A. This was his testimony?

11 Q. Yes, sir.

12 A. It wouldn't surprise me. You know,
13 translating foreign media spokesman, press,
14 whatever he said it was, escorting people around,
15 you know, it wouldn't surprise me that he would
16 play down his role, and that it would have
17 slightly different translations in the English.
18 It wouldn't surprise me at all.

19 Q. Would it affect your reliance on the
20 accuracy of his quote?

21 A. His insistence that he was a

1 Mr. Kalman's statements?

2 MR. HORTON: Object to the form.

3 THE WITNESS: I do, too.

4 A. You're assuming that he got the title
5 wrong because you're choosing to believe what
6 Mr. Odwan told in this other case. Perhaps
7 Mr. Odwan has an interest in playing down his
8 role in all of this. I don't know, but I don't
9 think you do, either.

10 Q. So you're saying, sir, that you would
11 rely on Mr. Kalman over Mr. Odwan because you
12 don't believe Mr. Odwan was telling the truth at
13 his deposition?

14 A. I don't believe or not believe
15 Mr. Odwan or Mr. Kalman. But you just told me
16 that one was right and the other was wrong. I'm
17 telling you --

18 Q. Well, let's do it as a hypothetical.
19 Let's do it this way:

20 Assume that Mr. Odwan's title, in
21 fact, was press secretary, not foreign media

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1 spokesman. Assume that to be true.

2 **A. Okay.**

3 Q. If that's true, does that affect your
4 view about whether Mr. Kalman is a reliable
5 source of information?

6 **A. No.**

7 MR. HORTON: Object to the form.

8 **A. No. Between press secretary and**
9 **foreign media spokesman, there's a very fine**
10 **line.**

11 Q. Assume that Mr. Odwan testified he
12 never said what Mr. Kalman quoted him as saying,
13 does that affect your reliance on Mr. Kalman's
14 article?

15 **A. In isolation, no.**

16 **Again, should it surprise that someone**
17 **who is presented with a statement that they made,**
18 **which is -- seems to be kind of catching them in**
19 **something, somehow indicting them in something,**
20 **that they would deny it? No, it wouldn't**
21 **surprise me at all.**

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1 Q. Do you believe every statement someone
2 has made, that's inconsistent with your
3 conclusions, is untrue?

4 **A. I didn't say that I disagree because**
5 **it's inconsistent with my conclusions, but --**

6 Q. Can you name a statement by anyone
7 that's inconsistent with your conclusions that
8 you think is untrue?

9 MR. HORTON: Hold it, hold it, hold
10 it. My question is: Had you finished your
11 answer?

12 THE WITNESS: No.

13 MR. HORTON: He needs to be able to
14 finish his answer, then you're, of course,
15 welcome to ask a followup.

16 BY MR. HORTON:

17 Q. Go ahead.

18 **A. It's your time.**

19 Q. Can you name me any statement that's
20 inconsistent with your conclusions that you
21 believe to be true?

1 **A. Can I name a statement that's**

2 **inconsistent with my conclusions that I believe**
3 **to be true? Why would I come to conclusions that**
4 **are contrary to something that I believe to be**
5 **true?**

6 Q. So you cannot?

7 **A. No.**

8 Q. There are no true inconsistent
9 statements with your opinions?

10 **A. If I knew something to be true and to**
11 **be inconsistent with my opinion, I would adjust**
12 **my opinion.**

13 Q. So on any occasion where you've
14 omitted a statement that's inconsistent with your
15 opinion, you've done so because you believe that
16 to be untrue?

17 **A. If I was aware of the opinion, I**
18 **believed -- I don't know. You know, we're**
19 **dealing here a little bit with just that,**
20 **opinion.**

21 **Again, it could be untrue in the sense**

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1 **that they said something untrue. Or it could be**
2 **untrue in the sense that they said something to**
3 **be completely true but, in fact, are wrong.**

4 **My responsibility as an outside**
5 **academic is to look at the full body of**
6 **information, and not based on one quote here or**
7 **one title there, to come to a conclusion on based**
8 **on the body of information.**

9 **Based on the body of information**
10 **that's out there, the statements that you're**
11 **presenting to me from Mr. Odwan, that I have not**
12 **yet seen, don't appear to be accurate.**

13 Q. Look, if you will, back at the USA
14 Today article because there is a quote in the
15 article, itself, that's inconsistent with your
16 opinion. At the bottom of the page, it says --

17 **A. Which page?**

18 Q. The first page. It says, "Spokesman
19 for Arafat give differing responses when asked
20 about his ties to Thabet and the brigade. Nabil
21 Abu Rudeineh, Arafat's chief spokesman says he

<p style="text-align: right;">Page 146</p> <p>1 has never heard of Thabet. "The president has 2 nothing to do with these things, he has nothing 3 to say about this issue,' Rudeineh says." Do you 4 see that, sir? 5 A. Yes. 6 Q. And you were, of course, aware of that 7 quote since you've cited this very article, 8 right? 9 A. Yes. 10 Q. You did not include Mr. Rudeineh's 11 quote in your opinion, right? 12 A. Rudeineh. No, I did not include 13 Rudeineh's quote in here. He is -- was very, 14 very close to Arafat, and would not surprise that 15 he would say things to defend his boss, put his 16 boss in a good light. 17 Again, this is not a story in 18 isolation of he-said/she-said. That would make 19 for a very boring report. It has to be the 20 totality of the evidence. So a quote here, a 21 quote there, frankly, is kind of icing on the</p>	<p style="text-align: right;">Page 148</p> <p>1 Arafat's chief spokesman? 2 A. I believe he had multiple titles at 3 different times. And it's one of these things as 4 we just had, you know, he could have been quoted 5 here today in this title, and another one 6 tomorrow in another place. But he was certainly 7 one of Arafat's chief functionaries. 8 Q. Assume that Mr. Odwan, whose quote you 9 did rely on, testified that the person authorized 10 to make statements on behalf of President Arafat, 11 was Mr. Rudeineh. Does that affect your opinion 12 about relying on Odwan's quote instead of his 13 boss's? 14 MR. HORTON: Object to the form. 15 A. So, in the first instance, that 16 doesn't necessarily make him his boss, "A." 17 But "B," not at all. The senior 18 functionary is going to be, if he's good at his 19 job, very good at sticking to the script. And 20 someone else might be a little more loose with 21 the tongue and say something beyond the script.</p>
<p style="text-align: right;">Page 147</p> <p>1 cake. 2 What does the actually evidence say? 3 What do the seized reports say? And then you 4 build the scaffolding of what you can then base 5 your conclusions on. 6 But should it surprise anybody? In 7 this case it happened to be Arafat. It could 8 have been anybody. It could have been the 9 Israeli Prime Minister. Could have been anybody 10 that they're -- what is he described as here -- 11 his chief spokesman is going to deny something 12 that puts him in a bad light? No. 13 Q. So, again, you excluded Mr. Rudeineh's 14 quote because you believe it to be untrue? 15 A. I believed it to be inaccurate, and 16 there's a difference. 17 Q. Have you heard of Mr. Rudeineh before? 18 A. Rudeineh. Yes. 19 Q. Before this report? 20 A. Yes. 21 Q. Do you agree that he is or was</p>	<p style="text-align: right;">Page 149</p> <p>1 Again, I know you're very interested 2 in the quotes, but it's not just a question of 3 this quote or that quote. You can play 4 he-said/she-said on these things all day. That's 5 the nature of this business. Someone's doing 6 things that are legitimate and they also may be 7 doing things under the table that are 8 illegitimate. And we're not surprised when they 9 deny the illegitimate. 10 Now, just because someone's charged as 11 doing illegitimate, it doesn't mean that that's 12 true, either. You need to dig. You need to 13 collect evidence. And, so, that's what I did in 14 the report. 15 Q. Well, the evidence you collected is 16 all on one side, isn't it, sir? 17 A. The evidence I've collected here, you 18 know, this is supposed to be an expert report of 19 my opinion. And, so, yes, it is an expert report 20 that provides the basis for what is the 21 conclusion of my opinion. This is not meant to</p>

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1 **be. I wasn't hired to provide a dissertation on**
2 **all sides of this issue.**

3 **Now, there are other things that I've**
4 **written where you would do exactly such a thing.**
5 **My dissertation and the book that came out of it,**
6 **for example, which goes, "The Israelis say this;**
7 **the Palestinians say that," and that's important**
8 **for that type of product.**

9 **For this type of a product, this is by**
10 **definition what is my opinion. Now, the lawyers**
11 **who came to me, they didn't say, "Hey, could you**
12 **have this opinion?" And I didn't then say,**
13 **"Sure. How much are you paying?"**

14 **I have an opinion on this based on my**
15 **research and the evidence I've collected. This**
16 **is what it is.**

17 **Q. So this report does not follow this**
18 **sort of methodology you used in your**
19 **dissertation, correct?**

20 **A. No, I didn't say that.**

21 **There is methodology and there is**

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1 **presentation. A methodology really is how you go**
2 **about researching something. That doesn't**
3 **change.**

4 **What type of a product you're**
5 **producing, dictates what you're doing. You'll be**
6 **more pithy in an editorial, and you'll be more**
7 **serious in a journal article. You'll provide**
8 **every side of an argument and maybe even not come**
9 **to a conclusion in a certain type of product.**
10 **And probably in more you'll include all sides and**
11 **come to a conclusion. And in others, like this**
12 **one, the specific product that is being asked is,**
13 **"Can you provide an opinion and the basis for**
14 **that opinion?" This is not a "They say. On the**
15 **other hand, they say. On the other hand, they**
16 **say."**

17 **Q. So you'd agree with me your report**
18 **does not do the on-the-other-hand-type analysis,**
19 **right?**

20 **A. Correct.**

21 **Q. It does not, in fact, document**

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1 **evidence that you considered and rejected in**
2 **reaching your conclusions, right?**

3 **A. Correct.**

4 **Q. And can you tell me any of the**
5 **evidence that you considered but then rejected in**
6 **reaching your conclusions?**

7 **A. No, because we're sitting here today,**
8 **and I didn't write this yesterday.**

9 **Q. Okay. So when you prepared the**
10 **report, you only selected the evidence that**
11 **supported your conclusions?**

12 **A. Well, I did not --**

13 **MR. HORTON: Object to the form.**

14 **You may answer.**

15 **A. I did not select anything.**

16 **I looked at all the evidence that I**
17 **could get my hands on, and then I wrote a report**
18 **that provided my expert opinion, which is what**
19 **this is, it's an expert opinion, and the evidence**
20 **that underpins it.**

21 **Q. Now, you said you looked at all the**

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1 **evidence you could get your hands on. If I**
2 **wanted to see all the evidence you got your hands**
3 **on, how could I see that?**

4 **A. I doubt you could. I don't know that**
5 **I've kept it.**

6 **Q. You didn't preserve the material that**
7 **you reviewed that's not cited in your report?**

8 **A. I may not have preserved hard copies**
9 **of material that I did cite in the report since**
10 **it's all publicly-available material.**

11 **Q. Well, how will I know what**
12 **publicly-available material you considered, but**
13 **did not cite in your report, sir?**

14 **A. You won't. That's not what this is.**

15 **Q. There's no way for me to discover the**
16 **material you considered but, then, did not rely**
17 **on for your report?**

18 **A. That's true.**

19 **Q. On Page 10 of your report in the**
20 **second paragraph you referred to --**

21 **A. One second. I'm sorry.**

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1 MR. HORTON: Hold on a second.

2 Q. You refer to something that you
3 describe as a 2005 confession of Tamer,
4 T-A-M-E-R, Rimawi, R-I-M-A-W-I. Do you see that,
5 sir?

6 A. The paragraph beginning, "Convicted
7 terrorists"?

8 Q. Yes, sir.

9 A. Yes.

10 Q. And have you, in fact, seen this
11 confession?

12 A. Yes.

13 Q. What language is it written in?

14 A. I believe it's written in Arabic and
15 English.

16 Q. Do you know if Mr. Rimawi speaks or
17 writes English?

18 A. I don't. I believe it is a certified
19 translation.

20 MR. HILL: Let's mark that as our next
21 exhibit, please.

1 whether the English is, in fact, an accurate
2 translation of the Arabic, right?

3 A. No.

4 Q. If you look at the very last page of
5 the Arabic --

6 A. The very last page overall?

7 Q. Yes, sir. You see that there's a spot
8 for a signature?

9 A. Yeah.

10 Q. And there's no signature. Do you see
11 that?

12 A. Yes.

13 Q. Does it concern you at all that you're
14 relying on what purports to be a confession that
15 has no signature?

16 A. No, because I don't know if there is
17 no signature on it. I don't know is the Israeli
18 system people are allowed to decline to sign, the
19 system. But it is an official government report,
20 and I give that more credence than I would, you
21 know, if some journalist told me.

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1 (Defendant's Deposition Exhibit Number
2 186 was marked for identification.)

3 BY MR. HILL:

4 Q. Dr. Levitt, I'm showing you what we've
5 marked as Defendant's Exhibit Number 186. Is
6 this the confession that is cited in Footnote 17
7 of your report?

8 A. I believe so.

9 Q. As you indicated, there is a
10 Certificate of Translation at the beginning. Do
11 you see that?

12 A. Yes.

13 Q. And do you know the translator?

14 A. I do not.

15 Q. Do you have any idea if this person
16 is, in fact, qualified to accurately translate
17 between Arabic and English?

18 A. This is an official notary, so I have
19 respect for the notary system, and I take it as
20 face value.

21 Q. But you've not done anything to verify

1 Q. Let me just ask you this question:

2 You believe that this confession is an
3 official government report?

4 A. That's what it appears to be. It
5 appears to be taken by the State of Israel, a
6 public document signed by the Magistrate Court,
7 certified by the Magistrate Court. We have the
8 names of the people who did it. There's, you
9 know, for a person who was doing a story on this,
10 whatever, they could go back and find the people.
11 So this is -- it's much more official, of course,
12 than just, you know, a journalist saying, "I got
13 a quote from somebody and I've got the chicken
14 squall on my notebook."

15 Q. So you actually think this is a more
16 reliable document than Mr. Kalman's report?

17 A. Yes.

18 Q. Okay. Did you do anything to fact
19 check whether, in fact, this was an official
20 Israeli document?

21 A. In a sense, yes. I got it through

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1 lawyers in another case and asked them and got --
 2 I don't remember the details, but they explained
 3 to me how they had gotten it, and the chain of
 4 custody, and this wasn't something that, you
 5 know, was picked up from the street litter.

6 Q. What were you told about the chain of
 7 custody of this document?

8 A. I just said I don't remember. I just
 9 remember that it was given to me and --

10 Q. Do you remember what case you were
 11 given this document?

12 A. No. It might have been -- it might
 13 have been Klineman again. I don't remember
 14 offhand.

15 Q. Do you remember which lawyer in the
 16 Klineman case gave you this document?

17 A. No.

18 Q. And you believe this is an Israeli
 19 document? Do Israeli documents usually come in
 20 Arabic?

21 A. It depends. This is a -- they will

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1 often come in Arabic and Hebrew.

2 Q. You agree with me there's no Hebrew in
 3 this document, right?

4 A. Correct. And this appears, except on
 5 the first page, with the Certification of
 6 Translation is in English and in Hebrew. And
 7 then in both the second page, whatever this is,
 8 Apostille, and it's stamped, official document as
 9 being certified by the Magistrates' Court in
 10 Tel-Aviv-Yafo, is in both English and Hebrew.
 11 And then presumably the copy that was given to me
 12 was the Arabic, which is the original, and the
 13 English translation, as opposed to the Hebrew
 14 translation, which wouldn't do any good for these
 15 purposes.

16 Q. Okay.

17 A. My guess is that somewhere out there,
 18 there is also a Hebrew translation.

19 Q. Would it change your opinion about the
 20 reliability of this document if you learned that
 21 it is not, in fact, an Israeli State document?

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1 A. Depends what it turned out it was.

2 Q. Would it change your opinion about the
 3 reliability of this document if you learned it
 4 had been prepared by the lawyers in the Klineman
 5 case representing the plaintiffs?

6 A. Again, depends how it was prepared.
 7 Lawyers take an oath. You know, this seems to be
 8 part of an official process, which probably not
 9 unlike the one we're doing now, we're just
 10 sitting across the table from each other in some
 11 type of deposition, and that has officiated them
 12 to that.

13 Q. Are you aware that Mr. Rimawi was
 14 deposed about this document?

15 A. I'm presuming, because you're telling
 16 me that this was taken by lawyers, that this was
 17 some type of deposition. I'm assuming he didn't,
 18 you know, volunteer. I don't know what the
 19 circumstance was, or I don't recall. I probably
 20 was told at some point. But there's no question
 21 that this is an official translation by a

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1 qualified translator, and it is certified by a
 2 recognized court.

3 Q. Okay. If, in fact, the document that
 4 is Arabic was not prepared by Mr. Rimawi, would
 5 that cause you to change your reliance on this
 6 document?

7 A. You know, the document's being
 8 prepared, based on our conversation, not being
 9 prepared by me either, but we have a court
 10 reporter here. So I guess it would depend on how
 11 it was prepared.

12 Q. Okay. Assume, sir, that this document
 13 was, in fact, prepared by Ms. Klineman's lawyers
 14 and presented to Mr. Rimawi, would that change
 15 your opinion about the accuracy of the document?

16 A. So in your hypothetical, they wrote
 17 out this confession, presented it to him?

18 Q. Presented it to Mr. Rimawi, yes.
 19 Would that change your --

20 A. He refuses to sign it?

21 Q. Well, we haven't got there yet.

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1 But just assume that it was written by
2 the lawyers for Ms. Klineman, who presented it to
3 Mr. Rimawi, would that affect your reliance on
4 its accuracy as a document?

5 **A. I'd be more curious if it was**
6 **presented to him and he agreed with it. That**
7 **would give it more weight.**

8 **Q. Okay. Well, let's extend the**
9 **hypothetical a little bit. Let's assume that it**
10 **was prepared by the lawyers for Ms. Klineman,**
11 **that it was presented to Mr. Rimawi, and that he**
12 **refused to sign it, would that affect your**
13 **opinion about the reliability of the document?**

14 **A. Well, does he refuse to sign it**
15 **period? Does he refuse to sign it after, let's**
16 **say, an hour- or seven-hour-long deposition in**
17 **which he ultimately agrees to everything in the**
18 **document but then says, "Oops, that was not a**
19 **good idea," and refuses to sign it?**

20 **And under what circumstances is this**
21 **certified by the court if it is simply one**

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1 **lawyer's opinion that was presented in front of**
2 **the guy, but the guy never agreed to it at all?**
3 **I would be surprised if that were the case.**

4 **Q. Okay. Well, assume that is the case.**
5 **Assume this is one lawyer's opinion that was**
6 **presented to the guy and the guy never agreed to**
7 **it at all, would you believe this would be a**
8 **reliable document on which to base your opinions?**

9 **A. So in your hypothetical, a lawyer for**
10 **the other side writes this document. Rimawi**
11 **looks at it, doesn't agree to it, never says**
12 **anything to agree with any part of it, and then**
13 **they present it as if it was his confession.**
14 **Yes, I would have an issue with that document.**

15 **Q. Okay. And if that had happened to you**
16 **in this case, how would that change your**
17 **opinions?**

18 **A. Specifics, please? If what had**
19 **happened to me?**

20 **Q. What you've just described. If this**
21 **was written by the lawyers for Ms. Klineman, it**

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1 was provided to Mr. Rimawi, he refused to sign
2 it, he testified contrary to its contents, would
3 that affect your opinion in the case?

4 **A. I'd want to know more. Who is at this**
5 **let's call it, for lack of better words, let's**
6 **call it a deposition. Who was at this**
7 **deposition? Were there witnesses? Did he at the**
8 **deposition agree to it and only then later refuse**
9 **to sign it?**

10 **It wouldn't surprise me at all if he**
11 **had agreed to it and then later recanted. I**
12 **mean, he would have gotten himself in some**
13 **trouble, I imagine.**

14 **So what are the exact circumstances?**

15 **Q. Are these the sorts of questions you**
16 **should have asked before you cited this document**
17 **in your report?**

18 **A. Again, I don't remember the**
19 **conversation, but I was comfortable with the**
20 **document when I got it, as it was given to me.**

21 **Q. And you were comfortable with the**

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1 document because of what the lawyers in the
2 Klineman case told you about it?

3 **A. Correct.**

4 **Q. And if they misled you about the**
5 **nature of the document, would that affect your**
6 **opinions in the case?**

7 **A. If I was fully misled, it would affect**
8 **my opinions about this particular document. This**
9 **is one document in -- I'm assuming you're talking**
10 **about this case, not that case, correct?**

11 **Q. Uh-huh.**

12 **A. This is one piece in a much larger sea**
13 **of information. So maybe this particular piece**
14 **would not be something I would have included, but**
15 **it wouldn't have affected the other material,**
16 **necessarily.**

17 **Q. Well, setting aside the other material**
18 **for a moment, do you, in fact, believe the facts**
19 **that are asserted in this document to be true?**

20 **A. I do.**

21 **Q. And that's because the lawyers in the**

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<p>1 Klineman case told you how this document came</p> <p>2 into existence?</p> <p>3 A. Well, so we're moving beyond the</p> <p>4 document itself right now, correct? He is a</p> <p>5 convicted terrorist. He did have a day in court.</p> <p>6 He was convicted. Whether or not there was an</p> <p>7 actual --</p> <p>8 Q. How do you know he was convicted?</p> <p>9 A. This is a matter of public record.</p> <p>10 Q. Have you verified this public record?</p> <p>11 A. I believe I did.</p> <p>12 Q. How did you do that?</p> <p>13 A. I imagine can -- I don't remember what</p> <p>14 I did at the time, but I imagine you can go and</p> <p>15 Google and find it out.</p> <p>16 Q. Did you Google Mr. Rimawi and find out</p> <p>17 whether he was convicted?</p> <p>18 A. I don't remember what I did at the</p> <p>19 time.</p> <p>20 Q. Do you know what court he was</p> <p>21 convicted in?</p>	<p>1 MR. HORTON: Hold it. Let him finish</p> <p>2 his answers, please.</p> <p>3 MR. HILL: Sure. You wanted to finish</p> <p>4 your answer?</p> <p>5 MR. HORTON: Do you need the question</p> <p>6 back to finish your answer?</p> <p>7 THE WITNESS: No, I'm just going to</p> <p>8 take my time.</p> <p>9 MR. HORTON: Okay.</p> <p>10 THE WITNESS: Go ahead. Ask again.</p> <p>11 BY MR. HILL:</p> <p>12 Q. Who did you talk to about Mr. Rimawi's</p> <p>13 case?</p> <p>14 A. I don't remember offhand.</p> <p>15 Q. You can't tell me the name of any</p> <p>16 person you talked to about Mr. Rimawi's case</p> <p>17 other than the lawyers for Esther Klineman,</p> <p>18 right?</p> <p>19 A. Correct.</p> <p>20 Q. Would it change your opinion about the</p> <p>21 reliability of the document if Mr. Rimawi</p>
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<p>1 A. Not offhand, no.</p> <p>2 Q. Do you know what crimes he was</p> <p>3 convicted for?</p> <p>4 A. I believe we have it in the report at</p> <p>5 some place. But, no, not offhand.</p> <p>6 Q. Do you know whether he had a trial?</p> <p>7 A. I believe he did. I believe, if this</p> <p>8 is the case I remembering, that he hid in the</p> <p>9 Mukata, M-U-K-A-T-A, Arafat's compound in</p> <p>10 Ramallah. Then there was pressure by the</p> <p>11 Israelis, and I think from the United States, as</p> <p>12 well, and eventually he was released and taken</p> <p>13 into custody.</p> <p>14 Q. And you believe those things because</p> <p>15 you read that on the Internet?</p> <p>16 A. And, as I said, I do field research on</p> <p>17 the ground, so --</p> <p>18 Q. Did you do field research about Mr.</p> <p>19 Rimawi?</p> <p>20 A. I probably did. I can't tell you --</p> <p>21 Q. Who did you talk to about Mr. Rimawi?</p>	<p>1 testified at his deposition that he had never</p> <p>2 received any money from Fatah?</p> <p>3 A. That would contradict part of what's</p> <p>4 in this document.</p> <p>5 Q. Yes, sir it would.</p> <p>6 Would it change your opinion about the</p> <p>7 reliability of Mr. Rimawi's so-called confession</p> <p>8 if his testimony was that he never received money</p> <p>9 from Fatah?</p> <p>10 A. Well, his subsequent testimony.</p> <p>11 It would depend. It would depend.</p> <p>12 Again, it would not be --</p> <p>13 Q. Is that statement important to your</p> <p>14 opinion?</p> <p>15 A. It would depend because it depends on</p> <p>16 the circumstances.</p> <p>17 One should not be surprised if a</p> <p>18 person says something that is incriminating,</p> <p>19 later denies saying it.</p> <p>20 But if, in fact, Mr. Rimawi was found</p> <p>21 guilty of crimes related to activity for Al Aqsa</p>

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1 **Martyrs Brigades, et cetera, then that would be**
 2 **weightier than his "he-said/she-said; no, no, I**
 3 **didn't mean it when I said this earlier thing. I**
 4 **was convicted maybe, but I didn't actually get**
 5 **the money."**

6 **There's something to be said for a**
 7 **trial in a court of law, and the due process that**
 8 **goes with that.**

9 Q. Do you believe Mr. Rimawi had a trial
 10 in a court of law with due process?

11 **A. My understanding is that he did.**

12 Q. And that's based on what you read on
 13 the Internet?

14 **A. You've asked me that question in that**
 15 **weighted, biased way now twice. That's not what**
 16 **I said.**

17 Q. Okay. So what source, other than the
 18 Internet, do you have to believe that Mr. Rimawi
 19 received a trial with due process?

20 **A. My understanding is that there was a**
 21 **court trial. There were reports of it in the**

1 **was an Al Aqsa Martyrs Brigade, and that would be**
 2 **fanciful and fanciful at face value.**

3 Q. And you know definitively that there
 4 was an Al Aqsa Martyrs Brigade because of press
 5 reports that you've read, right?

6 **A. Correct.**

7 Q. Who has told you that there was an Al
 8 Aqsa Martyrs Brigade, apart from press reports?

9 **A. The State Department of the United**
 10 **States of America.**

11 Q. Okay.

12 **A. The Treasury Department of the United**
 13 **States of America.**

14 Q. That's something you learned while you
 15 worked at Treasury?

16 **A. No. That's something I learned when**
 17 **the Treasury Department designated them as a U.S.**
 18 **designated terrorist organization.**

19 **Something I learned when the State**
 20 **Department wrote them up for their acts of**
 21 **terrorism in the State Department's Annual**

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1 **press. And this was exactly the kind of thing**
 2 **that I was researching at the time, and would**
 3 **have had long conversations with--with people**
 4 **here, with people in Israel, with people in the**
 5 **West Bank.**

6 Q. Can you give me the name of one person
 7 you had a long conversation about Mr. Rimawi's
 8 case?

9 **A. No.**

10 Q. You cannot, correct?

11 **A. I just said no.**

12 Q. Would it change your opinion if
 13 Mr. Rimawi testified at his deposition that --

14 **A. Which deposition?**

15 Q. Mr. Rimawi's deposition in the
 16 Klineman, would it change your opinion about the
 17 reliability of this his so-called confession if
 18 he testified that there was no such thing as the
 19 Al Aqsa Martyrs Brigade?

20 **A. No, that would not affect my opinion**
 21 **at all because we know definitively that there**

1 **Country Reports on Terrorism.**

2 **In conversations I had with officials**
 3 **and meetings I had with people.**

4 **There were quite a few trials and**
 5 **convictions of Al Aqsa terrorists. Al Aqsa**
 6 **maintained websites, had letterhead, had emblems,**
 7 **had posters on the streets claiming credit for**
 8 **its so called martyrs.**

9 **There is no one I know that denies**
 10 **that the Al Aqsa Martyrs Brigade existed.**

11 Q. Did the State Department determine
 12 that the Al Aqsa Martyrs Brigade was part of
 13 Fatah?

14 **A. I don't know. Let's take a look and**
 15 **see.**

16 Q. Well, you would agree with me that the
 17 State Department has not designated Fatah as a
 18 foreign terrorist organization, correct?

19 **A. That's true, and it's neither here nor**
 20 **there. Having been a part of that process, I can**
 21 **tell you that we don't designate every entity**

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1 **that is involved, ever, in any act of terrorism.**

2 Q. So your experience at the State
3 Department allows you to tell us what the State
4 Department meant by not designating Fatah as an
5 FTO; is that what you're saying?

6 MR. HORTON: Object to the form.

7 **A. My experience in government, though**
8 **not specifically at State. When I was at State,**
9 **I wasn't doing this type of thing. When I was**
10 **the Deputy Assistant Secretary for Intelligence**
11 **and Analysis at Treasury, I was very much**
12 **involved in this process.**

13 Q. But you can't tell me which groups you
14 considered at that time, right?

15 **A. Correct.**

16 Q. So you can't tell me whether Treasury
17 decided not to designate Fatah as an FTO, and
18 their reasons why, can you?

19 **A. That's right.**

20 Q. You're just going to claim that you
21 know why State did something, but not tell me the

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1 underlying facts that that decision was based on,
2 right?

3 **A. Incorrect. You're putting words in my**
4 **mouth again.**

5 Q. Tell me the underlying facts that were
6 made available to our State Department that they
7 relied on to decide that the Fatah was not an
8 FTO?

9 MR. HORTON: Object to the form.

10 **A. I don't know.**

11 **All I'm telling you and, therefore,**
12 **all you're going to be able to quote back to me**
13 **is that: As a matter of fact, it is not the case**
14 **that every individual or organization out there**
15 **involved in terrorism is designated as a**
16 **terrorist entity on State or Treasury's list. In**
17 **fact, it's a small fraction because there are**
18 **lots of policy and other considerations.**

19 **For example, one could imagine that**
20 **the State Department would be very uncomfortable**
21 **designating as a terrorist entity, an entity that**

1 **is directly involved in the Peace Process,**
2 **because the Peace Process is a very obvious U.S.**
3 **National Security priority, and that might**
4 **outweigh the potential benefit of putting them on**
5 **some list.**

6 Q. So your opinion is that Fatah and the
7 Al Aqsa Martyrs Brigade are the same thing, but
8 the United States Government treats them
9 differently for political reasons?

10 **A. I didn't say that. You could ask me**
11 **if you like.**

12 Q. Is that your opinion?

13 **A. Not exactly, no. You could have --**

14 Q. So you're saying --

15 **A. You're going to have to let me answer.**

16 Q. So are Al Aqsa Martyrs Brigade and
17 Fatah the same thing, or not?

18 **A. So you're asking a different question**
19 **now before you let me answer the previous one.**
20 **We're clear?**

21 Q. Answer the question, please.

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1 **A. Which one?**

2 Q. Are Al Aqsa Martyrs Brigade and Fatah
3 the same thing in your opinion, or not?

4 **A. Al Aqsa Martyrs Brigade is an element**
5 **of Fatah.**

6 Q. Okay.

7 **A. Fatah is more than the Al Aqsa Martyrs**
8 **Brigade. Al Aqsa Martyrs Brigade is Fatah.**

9 Q. So if we did a Venn diagram and there
10 were two circles -- one was Fatah and one was Al
11 Aqsa Martyrs Brigades -- your opinion is that Al
12 Aqsa Martyrs Brigades is subsumed within Fatah?

13 **A. Almost entirely.**

14 Q. So portions of Al Aqsa Martyrs
15 Brigades are not subsumed within Fatah?

16 **A. So in the real world, there is no such**
17 **thing as kind of pure hundred percent.**

18 **So you could have an individual who**
19 **gets angry at the Israelis and get radicalized,**
20 **and is just looking for someone that will provide**
21 **him with a weapon to do something. And he does**

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1 something, and Al Aqsa provided him the weapon
2 and claims credit for it. You could have things
3 like that. Is that guy really Al Aqsa? I mean,
4 there's a spectrum.

5 But as an organization, yes, Al Aqsa
6 is pretty much included within Fatah. But Fatah
7 is much, much more than Al Aqsa.

8 Q. Okay.

9 A. And as I mentioned earlier, this
10 happened over a period of time.

11 Al Aqsa really was created by
12 disgruntled Fatah militant youth. And Fatah then
13 later, in an effort not to lose momentum and
14 grassroots support, said, "Okay, boys, you're
15 part of us." But they did start off as something
16 somewhat different.

17 They didn't get permission from the
18 heads of Fatah to do this, necessarily, or from
19 all the heads of Fatah. In time, Fatah embraced
20 and supported the Al Aqsa Martyrs Brigades.

21 Q. Did the Al Aqsa Martyrs Brigades, as

1 there is no difference between Fatah and Al Aqsa
2 Martyrs Brigades.

3 And, by the way, to answer your
4 earlier question: Yes, as I have here on Page
5 11, "Thus, it should not surprise that the
6 official U.S. government position is that the
7 AAMB is the military wing of Fatah. 'Fatah's
8 militant wing, the al-Aqsa Martyrs Brigade,
9 conducted numerous shooting attacks and suicide
10 bombings in 2004'."

11 Q. So you still can't find an instance in
12 your report --

13 A. Well, I'm just trying to save you
14 time --

15 Q. No, that's quite all right.

16 A. -- but I'm happy to continue reading
17 through.

18 Q. Let's just make sure we get a clear
19 answer to the question, Dr. Levitt:

20 You cannot find an instance in your
21 report where anyone from Fatah approved a

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1 you've described it, ever get permission from
2 Fatah to do any terrorist operations?

3 A. I believe we have some examples in the
4 report where it appears that they did, yes.

5 Q. And where are those, sir?

6 A. It's your time. I don't have the
7 report memorized. I'll read through it right
8 now, if you like.

9 Q. Can you find one?

10 A. I can certainly try.

11 (Witness Reviews Document.)

12 A. So what is your question again?

13 Q. Can you find an instance in your
14 report where Fatah gave the Al Aqsa Martyrs
15 Brigades, as you've described it, permission to
16 engage in an act of terrorism?

17 A. So certainly passive, and I'll explain
18 that in a second. And the implication is yes.
19 That is to say, Al Aqsa Martyrs is carrying out
20 attacks. Fatah refuses to disown them, disband
21 them, embraces them as their own, insists that

1 terrorist act by the Al Aqsa Martyrs Brigade?

2 A. Well, I'll read through and we'll see.
3 And maybe they do. And more likely they don't
4 because that's the nature of the operational
5 security at those organizations.

6 (Witness Reviews Document.)

7 A. And certainly embraced them after the
8 fact.

9 (Witness Reviews Document.)

10 A. On Page 15, we have two instances
11 where PA security services knew of pending
12 suicide attacks, but took no action to prevent
13 them.

14 And when told of 232 terrorists wanted
15 by Israel, informed those people to take
16 cautionary measures to prevent arrest.

17 Q. I appreciate that answer, sir. But
18 you still have not located --

19 A. I'm still reading.

20 Q. -- an instance where Fatah approved a
21 terrorist operation Al Aqsa Martyrs Brigades,

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1 have you?

2 MR. HORTON: Please finish your

3 answer.

4 (Witness Reviews Document.)

5 **A. Then on Page 16, we have payments to**

6 **individuals who are directly involved in**

7 **terrorism.**

8 (Witness Reviews Document.)

9 **A. On Page 19, we have a letter of Al**

10 **Aqsa Martyr Brigade asking Arafat's aides,**

11 **specifically, for funds for explosives.**

12 Q. And, again, sir, that is not

13 responsive to my question.

14 **A. I think it is, actually.**

15 Q. I've asked you to find an instance

16 where Fatah approved a terrorist action by AAMB.

17 So far you've not been able to find one, have

18 you?

19 **A. So if Fatah asks for funding for**

20 **explosives and gets that, that's not approving**

21 **the use of explosives?**

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1 Q. There's no evidence they got that

2 funding, is there?

3 MR. HORTON: Hold on. You can't talk

4 at the same time. Make sure you finish your

5 answer.

6 BY MR. HILL:

7 Q. There's no evidence they got that

8 funding, is there?

9 (No Response.)

10 Q. Is there, sir?

11 **A. The evidence is that Arafat signed**

12 **saying that it should be allocated. And when the**

13 **Head of States, or whatever the PA was --**

14 Q. Arafat signed which report, sir?

15 MR. HORTON: Hold on, hold on.

16 Have you finished your answer?

17 **A. The first big paragraph on Page 19, at**

18 **the end, "At the bottom of the page, a**

19 **handwritten note signed by Arafat on September 19**

20 **instructs PA Treasury to allocate \$600 to each."**

21 Q. That's what you're referring to?

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1 **A. Yes.**

2 Q. You believe that is to buy weapons?

3 **A. That's what it's talked about if you**

4 **read up in the paragraph.**

5 Q. Okay. Well, we'll come back to that

6 one.

7 **A. Because they write earlier, "We need**

8 **every week 5-9 explosive charges. Handwritten**

9 **notes tally the total at 20,000 New Israeli**

10 **Shekels, NIS, per month."**

11 Q. And you believe that document was

12 signed by President Arafat?

13 **A. That's what it indicates here, yes.**

14 Q. Where does it indicate that?

15 **A. At the bottom of the page, "a**

16 **handwritten note signed by Arafat."**

17 Q. Which paragraph are you in?

18 **A. The end of the second paragraph that**

19 **begins "Consider, for example," the very last**

20 **sentence -- second to last sentence: Hassana**

21 **Sheikh, S-H-E-I-K-H, requests \$2,500 for three**

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1 **different Al Aqsa terrorists involved in a**

2 **January 17, 2002 attack.**

3 Q. So you believe that the --

4 **A. And: At the bottom of the page,**

5 **Arafat says to give each the money.**

6 Q. So you believe that the letter that's

7 cited in Footnote 67, is the same document that's

8 cited in Footnote 66?

9 **A. No, they're two different documents.**

10 Q. Okay. So I believe the pending

11 question is still: Is there anywhere in your

12 report that indicates Fatah approved an Al Aqsa

13 Martyrs Brigade terrorist attack?

14 **A. There's nothing about them**

15 **specifically approving a specific attack, which**

16 **doesn't surprise. This is the nature of how such**

17 **organizations work.**

18 Q. Isn't it true that Fatah, in fact,

19 tried to disband the Al Aqsa Martyrs Brigade in

20 early 2002?

21 **A. That's an interesting conversation.**

MATTHEW LEVITT DEPOSITION September 24, 2013

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1 **In essence, no.**

2 MR. HILL: Let's mark this report,
3 please.

4 (Defendant's Deposition Exhibit Number
5 187 was marked for identification.)

6 BY MR. HILL:

7 Q. We're handing you what we've marked as
8 Exhibit Number 187. This is a press report from
9 Agence, A-G-E-N-C-E, France Presse, P-R-E-S-S-E,
10 in English. Have you ever seen this before?

11 **A. I don't know.**

12 Q. Do you believe this to be a reliable
13 press outlet?

14 **A. It is a respected press outlet, yes.**

15 Q. If you'll see, the first paragraph
16 says, "The Al-Aqsa Martyrs Brigades, an armed
17 offshoot of Yasser Arafat's Fatah movement, said
18 Monday it was going to disband in line with a
19 decision made in secret by the Fatah leadership
20 last week." Do you see that?

21 **A. Yep.**

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1 Q. And do you believe that statement to
2 be untrue?

3 **A. Inaccurate. That is to say, I believe**
4 **the AFP accurately quoted some Al Aqsa person**
5 **that's saying it was planning to disband. In**
6 **fact, it did not disband. And, in fact, this was**
7 **not the only time that there was talk of either**
8 **disbanding Al Aqsa, or Palestinian militant**
9 **groups, in general, to include Al Aqsa.**

10 **Part of the frustration that the U.S.**
11 **Government had at the time, which ultimately led**
12 **the U.S. Government to decide that Arafat was not**
13 **someone that we could negotiate with, was that he**
14 **kept renegeing on these types of pledges.**

15 Q. So to renege on a pledge, one must
16 have the ability to accomplish what one promises
17 to do, correct?

18 **A. Well, that's interesting. Probably**
19 **not.**

20 **To renege on a pledge, you simply need**
21 **to not fulfill the pledge.**

1 Q. So let's say --

2 MR. HORTON: Hold on. Let him finish
3 his sentence.

4 **A. If you don't have the capability to**
5 **fulfill your pledge, you know, don't promise**
6 **things you can't deliver on. And that's another**
7 **issue.**

8 Q. Well, let's say hypothetically I said,
9 "I'm going to fly out of the room," and then I
10 didn't, that would be renegeing on my pledge in a
11 sense, right?

12 **A. Well, it's apples and oranges because**
13 **we all know you can't fly, and you would have**
14 **been laughed at for saying it, and no one would**
15 **have expected you to do it.**

16 **But in the case of Arafat, who is the**
17 **head of the PLO and the PA and Fatah, he**
18 **certainly had the capability, if he wanted, to be**
19 **able to exercise a monopoly over the use of**
20 **force.**

21 Q. Did he have that capability in

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1 February of 2002?

2 **A. It would have been difficult, but he**
3 **would have been in a better position to have**
4 **known what he could or could not have done**
5 **in-house, than anybody else. Now --**

6 Q. So, why do you conclude --

7 MR. HORTON: Are you finished with
8 your answer?

9 THE WITNESS: I wasn't. But, so be
10 it.

11 MR. HORTON: Please finish your
12 answer.

13 THE WITNESS: No, so be it.

14 BY MR. HILL:

15 Q. Why do you conclude that President
16 Arafat reneged on a promise to disband the Al
17 Aqsa Martyrs Brigade, as opposed to concluding
18 that he attempted to and was unable to do so?

19 **A. Because the consensus across -- the**
20 **vast majority of people who focus on this issue,**
21 **is that he did not try, and that he was trying to**

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<p>1 accommodate multiple different constituencies at 2 once.</p> <p>3 He was under pressure from us, 4 certainly from the Israelis, also. But he was 5 under pressure from the international community 6 to put an end to the PA and Fatah's involvement 7 with people who were carrying out acts of 8 terrorism.</p> <p>9 He struggles internally within Fatah. 10 And the whole reason, again, that he kind of 11 allowed these guys, is because he probably felt 12 he had no choice. He either co-opted them, as it 13 were, or began to lose control over Fatah.</p> <p>14 But be that as it may, the fact is 15 that several times he said he would, he did not. 16 And even in 2002, the bottom line is he had the 17 capabilities to do it, and later when it was in 18 his interest, because Al Aqsa began to be 19 involved in just about as much crime targeting 20 the Palestinian people, as it was terrorism 21 targeting Israelis, that he did, in fact, put</p>	<p>1 Is there, in fact, a consensus that 2 President Arafat had the ability to stop the Al 3 Aqsa Martyrs Brigade, and chose not to?</p> <p>4 A. I think that the dominant position is 5 that he did. There certainly are others, and 6 there are other experts involved in this case who 7 disagree --</p> <p>8 Q. Okay. Who shares this dominant 9 position with you?</p> <p>10 MR. HORTON: Hold on. Have you 11 finished?</p> <p>12 Counsel, you've got to give him a 13 chance to finish his answers. Ask whatever you 14 want, but you got to give him a chance to finish 15 his answers if we're going to proceed.</p> <p>16 BY MR. HILL:</p> <p>17 Q. Go ahead.</p> <p>18 A. Again, I don't follow this issue on a 19 regular basis now, so --</p> <p>20 Q. Is it true that you can't tell me the 21 name of an expert, other than yourself, that</p>
Page 191	Page 193
<p>1 down his foot and arrested key people and 2 sidelined others, and made it clear that there 3 are certain things you can't do.</p> <p>4 So he would maintain that it was very 5 difficult for him to crackdown on terrorism, but 6 if anybody within Al Aqsa, or anybody else, said 7 a bad thing about him or his health, they would 8 be at the receiving end of a swift, you know, 9 retribution.</p> <p>10 So he did have capabilities, and I get 11 into it in the report in a little more detail.</p> <p>12 Q. Now, you said there was a consensus 13 that President Arafat had the ability to stop the 14 Al Aqsa Martyrs Brigades, and chose not to; is 15 that right?</p> <p>16 A. The consensus was that -- and it's not 17 specific to Al Aqsa -- that he had the capability 18 to cease supporting individuals who are engaged 19 in terrorism, and did not.</p> <p>20 Q. Okay. So that's a little different 21 than what you told me earlier.</p>	<p>1 holds what you've just described to be the 2 dominant view?</p> <p>3 MR. HORTON: Here we are again, 4 counsel. He tried to finish his answer; you've 5 interrupted again. You're going to have to 6 restrain yourself simply to allow him to finish 7 his answer, and then you're welcome to ask 8 anything else you like.</p> <p>9 Do you have a question in mind now, 10 Dr. Levitt?</p> <p>11 A. I'm not about to try and recollect and 12 give you names on either side of this debate.</p> <p>13 Q. Okay.</p> <p>14 A. There is a debate, but in my 15 experience, having worked this very closely a 16 decade ago, it was overwhelmingly in favor. And, 17 in deed, it was the U.S. Government position that 18 Arafat made a conscious decision not to do what 19 he had to do, and could have done. And, 20 therefore, President Bush, at the time, declared 21 that he was not someone we'd continue to work</p>

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1 with. And needed it to wait until Fatah and the
2 PA -- I can't remember if he included Fatah in
3 that; maybe it was just the PA -- was no longer,
4 as he put it, tainted by terror.

5 Q. Apart from President Bush, can you
6 give me the name of anyone that you believe holds
7 what you've described as the dominant view?

8 A. No. And if I were to go back to my
9 office and do research, within minutes I'd be
10 able to give you many, many, many names.

11 Q. Sir, do you believe that your
12 knowledge of this area has deteriorated over the
13 past decade?

14 A. In terms of immediate recollection,
15 sure, so has my knowledge of the Redsox standings
16 from two weeks ago, and I love them dearly.

17 I don't make it a point to try and
18 memorize and keep in my frontal lobe everything
19 that I've work on.

20 What makes this easier in some ways is
21 that this is a historical question: What is my

1 Q. But you don't know the name of an
2 academic that shares your view on this issue, do
3 you?

4 A. You're not truly trying to compare my
5 Redsox with the Al Aqsa Martyrs Brigades, are
6 you?

7 Q. You're more interested in the Redsox
8 than the Al Aqsa Martyrs Brigade?

9 A. As a general principle, yes.

10 THE REPORTER: Counsel, can we just
11 take five minutes?

12 MR. HILL: Sure. Let's take a five
13 minute break.

14 (Brief Recess.)

15 MR. HILL: We'll mark that one next.

16 (Defendant's Deposition Exhibit Number
17 188 was marked for identification.)

18 BY MR. HILL:

19 Q. Dr. Levitt, did you communicate with
20 anyone about the substance of your testimony
21 while we were on the break?

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1 expert opinion based on, what evidence, of
2 activities that happened in a very distinct
3 period of time?

4 So this does not need to be something
5 that is: What happened yesterday? How have
6 things changed since yesterday?

7 This is a question of historical
8 consequence.

9 Q. But here today you're not able to
10 recollect the name of a single academic that
11 shares what you have described as the dominant
12 view, with you?

13 A. Because I'm not reading this
14 literature now.

15 And, again, I'm a Redsox fan, I
16 couldn't tell you who played third base for us
17 over the past few weeks. I'm doing other things.

18 Q. Do you know whether the Redsox are in
19 the Playoffs?

20 A. The Redsox are blessedly in the
21 Playoffs.

1 A. No.

2 Q. Let me show you what we've marked as
3 Exhibit Number 188. This is an article printed
4 from the Internet that you cite in Footnote 24 of
5 your report on Page 11. If you would look at
6 that.

7 MR. HORTON: Counsel, by any chance
8 you have a second copy?

9 MR. HILL: Oh, I beg your pardon.
10 Yes, I do.

11 MR. HORTON: Thank you.

12 BY MR. HILL:

13 Q. All right, sir. And if you look at
14 the report on Page 11, you're quoting someone
15 called Nasser, N-A-S-S-E-R, Badawi, B-A-D-A-W-I,
16 who you describe as an AAMB senior commander. Do
17 you see that?

18 A. I do.

19 Q. And the Footnote 24 is to the article
20 that we've marked and put in front of you, which
21 is Number 188?

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<p>1 A. Correct.</p> <p>2 Q. Okay. And in this article -- by the</p> <p>3 way, this is something called salon.com. What is</p> <p>4 salon.com?</p> <p>5 A. It's an online magazine of sorts. I</p> <p>6 think it's owned by the Washington Post.</p> <p>7 Q. Do you have any concern about relying</p> <p>8 on a source that's online like salon.com?</p> <p>9 A. Not everything that's online is equal,</p> <p>10 but salon.com is a respected publication.</p> <p>11 Q. Okay. Are you aware that salon.com's</p> <p>12 founder has described itself as an online</p> <p>13 tabloid?</p> <p>14 A. No.</p> <p>15 Q. Does that cause you any concern about</p> <p>16 relying on the accuracy of the reporting here?</p> <p>17 A. No. I mean, I'm curious now to see</p> <p>18 what he's referring to. But it's actually</p> <p>19 considered a little bit serious, and it's not</p> <p>20 easy to publish in there.</p> <p>21 Q. Okay. Look, if you will, at the</p>	<p>1 Q. You did not quote that portion of the</p> <p>2 article in your report, did you?</p> <p>3 A. I don't think I did.</p> <p>4 Q. The next says, "Its members recognize</p> <p>5 Yasser Arafat and even Marwan Barghouti as</p> <p>6 leaders of the political movement, but 'there is</p> <p>7 no direct relationship at all' between those</p> <p>8 leaders and the Brigades, Badawi maintains." Do</p> <p>9 you see that?</p> <p>10 A. I do.</p> <p>11 Q. And you did not quote that statement</p> <p>12 from Mr. Badawi, right?</p> <p>13 A. Correct.</p> <p>14 Q. Instead, you quoted a statement in the</p> <p>15 next paragraph which says, "We are still Fatah"?</p> <p>16 A. Correct.</p> <p>17 Q. So do you believe it's misleading to</p> <p>18 quote Mr. Badawi as saying, "We are still Fatah,"</p> <p>19 without quoting the prior paragraph where he said</p> <p>20 there was no direct relationship at all between</p> <p>21 Fatah leaders and the Brigades?</p>
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<p>1 second page of this. The second paragraph is</p> <p>2 about this interview with this guy Badawi that</p> <p>3 you quote, right?</p> <p>4 A. The second full paragraph?</p> <p>5 Q. Yes.</p> <p>6 A. "Badawi says"?</p> <p>7 Q. Yeah. And in the second paragraph of</p> <p>8 this printout from Salon, it says, "Badawi paints</p> <p>9 a picture of the Brigades as issuing forth from</p> <p>10 grass-roots activists" --</p> <p>11 A. I'm sorry, I lost you. I'm sorry,</p> <p>12 this is the paragraph, "Badawi says the Brigades</p> <p>13 are bound"?</p> <p>14 Q. No, the previous paragraph.</p> <p>15 A. Okay. Sorry. Go ahead.</p> <p>16 Q. "Badawi paints a picture of the</p> <p>17 Brigades as issuing forth from grass-roots</p> <p>18 activists on the local level without any</p> <p>19 coordination with or instructions from the</p> <p>20 political echelon." Do you see that?</p> <p>21 A. I do.</p>	<p>1 A. Well, I might throw it back: Do you</p> <p>2 not think that there is an intrinsic</p> <p>3 contradiction in his terms?</p> <p>4 And within the considerable amount of</p> <p>5 evidence that's here in the report, that, in and</p> <p>6 of itself, is part of the point.</p> <p>7 Even Fatah's own people, even those</p> <p>8 who were trying to maintain that there was no</p> <p>9 contact, couldn't stop themselves, not one</p> <p>10 paragraph later, from saying that there was.</p> <p>11 Now, it's interesting. Maybe I should</p> <p>12 have written it as saying just that, "Badawi says</p> <p>13 at first that there is no direct relationship.</p> <p>14 But even he says, 'We are still Fatah'." That is</p> <p>15 my point.</p> <p>16 Q. Okay. So your point is that you</p> <p>17 believe Badawi when he says, "We are still</p> <p>18 Fatah," but you don't believe him when he says</p> <p>19 there's no direct relationship at all between the</p> <p>20 Brigades and the Fatah leadership?</p> <p>21 A. Based on the world of evidence that's</p>

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<p>1 out there, yes, I think he's being untruthful</p> <p>2 when he says there's no direct relationship at</p> <p>3 all.</p> <p>4 Or maybe to be more fair, maybe it's a</p> <p>5 question of parsing words. Maybe he's saying,</p> <p>6 you know, "They don't tell us go blow up that</p> <p>7 bus. There's no direct relationship at all, but</p> <p>8 we are still Fatah."</p> <p>9 And maybe he and I would define</p> <p>10 "direct" different. Maybe he sees "direct"</p> <p>11 literally as "direction." Maybe I would see</p> <p>12 "direct" as a direct connection with funding and</p> <p>13 with propaganda, et cetera, getting your day</p> <p>14 salary from within the PA and Fatah. I would</p> <p>15 consider that "direct." So maybe it's not that</p> <p>16 he's being untruthful. Maybe it's just how he</p> <p>17 understands these words.</p> <p>18 But to my reading here, even someone</p> <p>19 who is trying to paint a picture, as the article</p> <p>20 puts it, of being a group that has no direct</p> <p>21 relationship at all, admits that they are still</p>	<p>1 return.</p> <p>2 Q. Well, the concept of a cease-fire is</p> <p>3 that both sides stop firing, right?</p> <p>4 A. If it's a bilateral cease-fire.</p> <p>5 Q. And this was purportedly a bilateral</p> <p>6 cease-fire between Israel and Palestinian</p> <p>7 militants, right?</p> <p>8 A. I don't recall, but could be.</p> <p>9 Again, you know, the Israelis, when</p> <p>10 they're targeting someone like that -- and don't</p> <p>11 get me wrong; I'm not agreeing with everytime</p> <p>12 they're targeting somebody like that -- but it's</p> <p>13 because they believe this is someone who's in the</p> <p>14 process of plotting something. That, maybe to</p> <p>15 them, isn't a cease-fire.</p> <p>16 Q. Is it true that the payments that you</p> <p>17 point to, to Mr. Karmi, or requested by Mr. Karmi</p> <p>18 and others, all occurred before the December 2001</p> <p>19 cease-fire?</p> <p>20 A. Do you have a page? We can look.</p> <p>21 Q. On Page 19, you reference a letter</p>
Page 203	Page 205
<p>1 Fatah, and that when Arafat did declare a</p> <p>2 cease-fire in December, at one point, they obeyed</p> <p>3 for that period of time.</p> <p>4 Q. And that cease-fire that started in</p> <p>5 December of 2001, lasted until approximately</p> <p>6 January of 2002, right?</p> <p>7 A. That sounds right. It lasted very</p> <p>8 brief. I don't remember exact dates.</p> <p>9 Q. And the reason that that cease-fire</p> <p>10 ended, is because someone named Raed Karmi,</p> <p>11 R-A-E-D, K-A-R-M-I, was assassinated by the</p> <p>12 Israelis, right?</p> <p>13 A. Well, it's that and more.</p> <p>14 Raed Karmi, was targeted by the</p> <p>15 Israelis because he was involved in terrorism.</p> <p>16 They felt they had to take out someone who was</p> <p>17 actively trying to plot the deaths of innocent</p> <p>18 civilians.</p> <p>19 And, then, the Palestinians felt that</p> <p>20 the Israelis weren't being reciprocal when they</p> <p>21 had issued a cease-fire, and there wasn't one in</p>	<p>1 requesting money from Mr. Karmi, right?</p> <p>2 A. What paragraph are you in?</p> <p>3 Q. The second paragraph.</p> <p>4 A. The second paragraph. So this is a</p> <p>5 letter dated September 9th, 2001. So it does</p> <p>6 predate.</p> <p>7 Q. Have you ever considered whether the</p> <p>8 monies that were requested there were to engage</p> <p>9 in a cease-fire?</p> <p>10 A. Well, play out your hypothetical for</p> <p>11 me. What, during a cease-fire, requires what</p> <p>12 funding? The cessation of shooting requires</p> <p>13 special funding for what?</p> <p>14 Q. Have you ever heard of a policy</p> <p>15 whereby a government will pay militants to not</p> <p>16 engage in military activity?</p> <p>17 A. I have.</p> <p>18 Q. In fact, our government, The United</p> <p>19 States, has engaged in precisely that policy; has</p> <p>20 it not?</p> <p>21 A. Sometimes.</p>

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1 Q. Would it be inappropriate for the PA
2 to pay militants to stop engaging in militant
3 activity?

4 A. Well, that's a tough one.

5 Part of it is within the context of
6 the fact that the Palestinian authority,
7 throughout this period and continuing past the
8 period that we're focused on here, had
9 cease-fires, or pledged it was going to
10 crackdown, or whatever. Or said they'd arrested
11 people, and let them out the back door. It was
12 never consistent.

13 So on that track record, maybe you'd
14 have a little less faith in the idea of providing
15 funds to individuals who are wanted, suspected
16 terrorists, for the purpose of convincing them
17 not to do something.

18 If it's not consistent, then all it
19 does is provide someone who, at a later date --
20 in a week, or a month, or whatever -- will do
21 something dangerous with the money you've just

1 through Hezbollah, was providing funds directly
2 to Al Aqsa Martyrs.

3 And at this time, though, it's
4 primarily still Hamas and Palestinian Islamic
5 Jihad, who were getting money from outside.

6 Q. And were Hamas or Palestinian Islamic
7 Jihad militants paying money to Fatah militants
8 at this time?

9 A. There were instances where that
10 happened. I can't remember if it was in this
11 time or if it's in this report, but there were
12 times when they co-operated together.

13 I can't remember if it was directly
14 Hamas kind of paying the salary of an Al Aqsa
15 guy, or providing funds to, but there were times,
16 for example, when they co-operated to carry out
17 an operation.

18 And, so, the way it would work is
19 that, you know, as it would happen in one
20 particular place facing security crackdowns, you
21 know, one group might have a suicide bomber, and

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1 provided them.

2 You mentioned that the United States
3 has done this sometimes. And there are some
4 instances where we usually, through proxies, have
5 done this, and it's usually come to bite us in
6 the derriere.

7 So this is well before the cease-fire,
8 in any event. This is not during the cease-fire.
9 This is not leading up to the cease-fire. There
10 is no evidence this has anything to do with the
11 cease-fire.

12 Q. Are you aware of any indication that
13 interests outside of the West Bank were funneling
14 money to Palestinian militants during this time
15 frame?

16 A. Certainly. Though, it wasn't
17 primarily the Al Aqsa Martyrs Brigades. Al Aqsa
18 Martyrs was getting money from the outside a few
19 years later, after the period that we're focused
20 on in this case.

21 There was a time later when Iran,

1 then another group might have a bomb, and they'd
2 co-operate to carry out something together.

3 There were reports of operating
4 together in a kind of war room of sorts in Jenin
5 at one point. I don't want to get beyond what's
6 in the report. I can't remember if that's in the
7 reporter, or if it's in the time that we're
8 talking about or not.

9 Q. Well, I guess the question I want to
10 pose to you, sir, is: Why do you believe that
11 these payments that you reference as having
12 happened here, were to support terrorism as
13 opposed to payments to militants to stop
14 terrorism?

15 A. Because there's plenty of evidence
16 that these people were and continued to engage in
17 terrorism. And there's none -- I've not seen any
18 evidence speaking to Israelis, Palestinians,
19 Americans, that that's what these payments were
20 about. There's just no evidence for it.

21 Q. Okay. So when PA officials indicated

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<p>1 that the payments were to encourage militants to</p> <p>2 stop engaging in military activity, you've</p> <p>3 disregarded those statements?</p> <p>4 A. You'd have to show me a source that</p> <p>5 says that.</p> <p>6 Q. Well, let's try it this way:</p> <p>7 (Defendant's Deposition Exhibit Number</p> <p>8 189 was marked for identification.)</p> <p>9 BY MR. HILL:</p> <p>10 Q. We've handed you what we've marked as</p> <p>11 Exhibit 189, which is an April 1st, 2004 report</p> <p>12 by the BBC. You consider the BBC to be a</p> <p>13 reliable press agency; do you not, sir?</p> <p>14 A. Let's be clear. This is not BBC.</p> <p>15 This is BBC Worldwide Monitoring,</p> <p>16 which is simply a translation service. This is</p> <p>17 actually from Al-Hayat al-Jadidah.</p> <p>18 THE REPORTER: This is from where?</p> <p>19 THE WITNESS: A-L hyphen H-A-Y-A-T,</p> <p>20 new word, A-L hyphen J-A-D-I-D-A-H.</p> <p>21 A. A Palestinian publication in the West</p>	<p>1 seeks calm. He added that the PNA policy has</p> <p>2 been to embrace the 'brothers in Al-Aqsa Martyrs</p> <p>3 Brigades so that they will fall in line with the</p> <p>4 PNA political line and thus avoid security</p> <p>5 lawlessness'." Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. Are you familiar with the sorts of</p> <p>8 reports from this time frame?</p> <p>9 A. Yes.</p> <p>10 So to answer your first question: I</p> <p>11 do think that by virtue of the fact that this is</p> <p>12 a PA statement being made to a sympathetic PA</p> <p>13 outlet, makes it less credible than if it had</p> <p>14 actually been, for example, the BBC or something</p> <p>15 else.</p> <p>16 It is around this time -- we're</p> <p>17 jumping ahead now.</p> <p>18 Q. Go ahead.</p> <p>19 A. I'm sorry. I just didn't want to</p> <p>20 interrupt you.</p> <p>21 We're jumping ahead now. This is a</p>
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<p>1 Bank that was close to the Palestinian authority,</p> <p>2 which the BBC is just translating.</p> <p>3 Q. Okay. And do you think that because</p> <p>4 it appeared in that publication, that the</p> <p>5 statement is unreliable or should be disregarded?</p> <p>6 A. Well, let's see what the statement is.</p> <p>7 What are we talking about?</p> <p>8 Q. Look at the third paragraph, it says,</p> <p>9 "Speaking to Al-Hayat al-Jadidah, Hamayil said</p> <p>10 these accusations are a flagrant game. Some five</p> <p>11 months ago, Israel leaked similar information</p> <p>12 with the aim of making the public adopt positions</p> <p>13 against the PNA and Arafat. He added that the</p> <p>14 whole story boils down to that the PNA, at the</p> <p>15 time of the Abu-Mazin Mahmud Abbas government,</p> <p>16 with the knowledge of the US administration and</p> <p>17 the Israeli government and with the aim of</p> <p>18 calming down the situation, sought to embrace</p> <p>19 Al-Aqsa Martyrs Brigades activists and help them.</p> <p>20 Many of them are unemployed and thus exposed to</p> <p>21 parties that do not accept the PNA policy, which</p>	<p>1 report from April 2004, which is well beyond the</p> <p>2 period that we're talking about here. And at</p> <p>3 this point, the PA and Fatah financial hands-out</p> <p>4 for the Al Aqsa Martyrs Brigades had caused such</p> <p>5 a stir that the European Union, in 2004, was</p> <p>6 considering, and I think eventually did cut</p> <p>7 significant payments to the Palestinian Authority</p> <p>8 or the Palestinian National Authority, PA, PNA.</p> <p>9 And, so, the PA was on a blitz at this point</p> <p>10 trying to say, "No, no, it's not true."</p> <p>11 Parenthetically, on Page 19, the start</p> <p>12 of this conversation under the question of why</p> <p>13 does one believe that this is not simply trying</p> <p>14 to buy off good behavior?</p> <p>15 One, this is 2001. And what you just</p> <p>16 showed me is three, four years later, more than</p> <p>17 three years later.</p> <p>18 But second, there's two different</p> <p>19 things cited, two different letters cited in</p> <p>20 these. The second one was the September 9th that</p> <p>21 we were talking about. It comes in the context</p>

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1 of the one above, which is September 16th, even a
2 few days later.

3 So let's even work with your
4 assumption that on September 9th, what they were
5 secretly trying to do is buy off good behavior.

6 In fact, a few days later, seven days
7 later on September 16th, there's another letter
8 which is talking about something that is clearly
9 not "Be good."

10 It's talking about the cost of an
11 explosive charge, "We need every week 5-9
12 explosive charges for squads in various areas."

13 I'd argue that's pretty explicitly not
14 cease-fire talk.

15 Q. Okay. And, so, you're referring to
16 the document that is involved with your Number
17 66? You believe that's inconsistent with
18 cease-fire talk?

19 A. Correct. And comes a few days after
20 the document we were talking about earlier, which
21 is in Footnote 67. It's the same footnote. It's

1 politicians do, which is trying to spin a
2 difficult situation.

3 There is tremendous amounts of press,
4 much more -- if you were to put a pile of this
5 type of press on one side, and the heat that was
6 going on about the EU withdrawing fundings in the
7 other, that would be a much higher pile. And,
8 so, there was -- this is damage control.

9 MR. HILL: Okay. Let's mark this one.
10 (Defendant's Deposition Exhibit Number
11 190 was marked for identification.)

12 BY MR. HILL:

13 Q. We're handing you what we've marked as
14 Exhibit 190. This is a BBC News.

15 A. One second. I want to make sure I
16 keep these in order.

17 Sorry. Okay. 190.

18 Q. And do you believe the BBC to be a
19 reliable source of information?

20 A. The BBC is a good journalistic outlet.

21 Q. If you'll see under the heading

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1 a report which includes as appendices all these
2 different letters.

3 Q. Okay.

4 A. So it's actually the same citation
5 below, just two obviously different letters
6 included in that report.

7 Q. Well, I'm afraid we'll have to get to
8 that issue tomorrow.

9 But let me ask you about this, about
10 the exhibit that's in front of you, the statement
11 of Mr. Hamayil in 2004. Do you believe the
12 statements that are reported in this exhibit are
13 untrue?

14 A. Yes.

15 MR. HORTON: To be clear, we're
16 talking about Defendant's Exhibit Number 189?

17 MR. HILL: Yes, sir.

18 A. Yes.

19 Q. Okay. You believe Mr. Hamayil is not
20 telling the truth in this instance?

21 A. I believe Mr. Hamayil is doing what

1 "Living expenses," it says, "Abdel Fattah
2 Hamayel," that's the same person we were talking
3 about before, right?

4 A. Yes.

5 Q. Have you ever met him?

6 A. No, I have not met him.

7 Q. "The minister for sports and youth
8 until Abu Mazen resigned in September implemented
9 the policy of paying what he describes as living
10 expenses to the gunmen. He told Correspondent:
11 'Originally, some people in these groups had been
12 chosen to work for the security services, so they
13 were getting salaries and still are doing so.'

14 "He says this summer a decision was
15 taken by the Palestinian Cabinet to pay living
16 expenses to those al-Aqsa members not getting
17 these salaries to help support their families.

18 "He says the money is intended to
19 ensure that al-Aqsa members were not influenced
20 by outside organizations to carry out further
21 suicide bombings. Al-Aqsa has not claimed to

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1 have carried out any suicide bombings since May."

2 Do you see that?

3 **A. Yes.**

4 **Q.** Okay. And you did not put those
5 quotes from Mr. Hamayel into your report, did
6 you?

7 **A. Oh, absolutely not.**

8 **Q.** And that's because you believe those
9 statements of Mr. Hamayel to be untrue?

10 **A.** Again, it's not a question -- you
11 know, there's a lot of truth in a lot of
12 different statements.

13 **I believe them to be inaccurate.**

14 **The Palestinian authority's under**
15 **tremendous pressure to all either cease payments**
16 **to all Al Aqsa Martyr militants, or to get them**
17 **to stop their ways, drop out of Al Aqsa, return**
18 **back to whichever post and security service they**
19 **had been part of, and to reinstate a monopoly on**
20 **the use of forces any sovereign state should.**

21 **And here he's explaining why: "Well,**

1 **and say, "Well, we have to."**

2 **They were very, very concerned about**
3 **what happens if they do what's being asked of**
4 **them, and then they get all these angry militants**
5 **who are not getting salaries, and then they would**
6 **have to have a Palestinian-on-Palestinian**
7 **confrontation. That would have been difficult,**
8 **no question. But sometimes that's what's**
9 **required.**

10 **And you can't imagine anybody**
11 **accepting the Israelis saying, "Well, we got some**
12 **Jewish terrorists and we really should stop them,**
13 **but it's really uncomfortable for us to take on**
14 **Jewish terrorists that's fellow Jews, so we're**
15 **just not going to do it."**

16 **And, so, that's what this is about.**

17 **Q.** Sir, the testimony you just gave,
18 you're purporting to explain what Mr. Hamayel was
19 thinking when he made these statements? Is
20 that --

21 **A. I'm not in his head. But this was**

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1 **we're sort of doing that, but we're not. We need**
2 **to give salaries to the Aqsa guys.**

3 **What the international community,**
4 **eventually the Quartet and others were**
5 **saying is, "No. You need to get the Al Aqsa guys**
6 **to stop engaging in terrorist behavior. Then you**
7 **can provide them salaries as they're working for**
8 **Palestinian security force, or whatever it is,**
9 **but you cannot pay the salaries of a guy who's**
10 **engaged in terrorism.**

11 **By -- when was this? This one here is**
12 **late 2003. So I can't remember it. We can look**
13 **in the document when it was that they were**
14 **officially designated by the U.S.**

15 **And the European issue really came up**
16 **I think mostly 2004. It might have been also**
17 **late 2003, at this point. The funding wasn't cut**
18 **back, but the discussion had already started in**
19 **late 2003.**

20 **It was a lot of pressure. And this**
21 **was trying to kind of push back, push the envelop**

1 **something that was going on throughout the**
2 **Palestinian authority. I'm explaining the**
3 **context that was going on.**

4 **Q.** But you're explaining what the policy
5 of the Palestinian authority was at this time?

6 **A. Well, I wouldn't call it policy.**

7 **Their policy was two-faced, is the**
8 **bottom line. They were trying to avoid having to**
9 **do --**

10 **MR. HORTON: Hold it.**

11 **Q.** Sir, let's try and get an answer to
12 this question:

13 **You're purporting to explain what the**
14 **Palestinian authority's policy was with respect**
15 **to Palestinian militants at this time; is that**
16 **right?**

17 **A. I wouldn't put that it way. But, in**
18 **essence, yes.**

19 **Q.** Okay. And who from the Palestinian
20 authority has told you what you just told me?

21 **A. Again, I can't remember offhand the**

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1 names of who I've spoken to. But around this
2 time I was going --

3 Q. Sir --

4 MR. HORTON: Hold, hold, hold it.
5 You've got to let him finish his answers. If he
6 can't finish his answers --

7 MR. HILL: He did.

8 MR. HORTON: -- there aren't going to
9 be anymore questions.

10 THE WITNESS: No, actually, I didn't.

11 MR. HORTON: He didn't.

12 THE WITNESS: Mid-word, not
13 mid-sentence.

14 BY MR. HILL:

15 Q. So what's the name of the person that
16 told you this?

17 A. So as I was saying when you
18 interrupted me: I don't have a record in front
19 of me of who I've ever met. However, around this
20 time, I was going to Ramallah about once a year
21 meeting with Palestinian authority officials,

1 Can you tell me who you met with on
2 September 19th in 2002?

3 Q. Well, maybe if I was offering myself
4 as an expert in a case, I would try.

5 A. I don't think that even as an expert
6 in a case, you'd be able to remember what you did
7 on a specific date ten years ago.

8 Q. But you can't even tell me the name of
9 somebody you met regardless of the date, can you,
10 sir?

11 A. Because I don't have any of it in
12 front of me. And I apologize deeply if that
13 frustrates you so.

14 MR. HILL: It's one o'clock. Why
15 don't we break here for the day.

16 MR. HORTON: Okay.

17 MR. HILL: And we'll pick up again at
18 10:30 tomorrow morning.

19 Dr. Levitt, you understand that you're
20 still under oath, and that you're not allowed to
21 talk about the substance of your testimony with

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1 police, Ministry of Interior, and others.

2 Q. You went to Ramallah in 2003?

3 A. I'd have to check, but I think I was
4 in Ramallah in 2003.

5 Q. Which month?

6 A. I'd have to check.

7 Q. Did you go to Ramallah in 2002?

8 A. I don't remember. And I don't want to
9 say I was there in 2003, either. I'd have to
10 check.

11 Q. Did you go to Ramallah in 2001?

12 A. 2001 I almost all the year was still
13 with the FBI. No, I'd have to check.

14 Q. But you can't tell me the name of
15 anybody you talked to on one of these trips to
16 Ramallah that you may have taken in 2002 or 2003,
17 can you?

18 A. I know it's frustrating to you, but no
19 matter how many times you ask the question, my
20 memory's not going to be any better. I just
21 don't have it in front of me.

1 anyone until we've concluded the deposition
2 tomorrow, correct?

3 THE WITNESS: That's correct.
4 (Reading and signing requested.)
5 (Deposition adjourned at 1:00 p.m.)
6
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MATTHEW LEVITT DEPOSITION September 24, 2013**Sokolow v. the PLO**

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1 CERTIFICATE OF CERTIFIED COURT REPORTER	1 ERRATA SHEET
2 I, CHERYL JEFFERIES, a Certified Court	2 DEPOSITION OF DR. MATTHEW LEVITT:
3 Reporter, do hereby certify that the within-named	3 PAGE # LINE # CORRECTION REASON
4 witness personally appeared before me at the time	4 _____
5 and place herein set out, and after having been	5 _____
6 duly sworn by me, according to law, was examined	6 _____
7 by counsel.	7 _____
8 I further certify that the examination	8 _____
9 was recorded stenographically by me and this	9 _____
10 transcript is a true record of the proceedings.	10 _____
11 I further certify that I am not of	11 _____
12 counsel to any of the parties, nor in any way	12 _____
13 interested in the outcome of this action.	13 _____
14 As witness my hand this 30th day of	14 _____
15 September, 2013.	15 _____
16	16 _____
17 -----	17 _____
18 Cheryl Jefferies	18 _____
19 Certified Court Reporter	19 _____
20	20 _____
21	21 _____
Page 227	Page 229
1 DATE SENT: September 30, 2013	1 CERTIFICATE OF DEPONENT
2 ERRATA SHEET	2 I hereby certify that I have read and
3 DEPOSITION OF: Dr. Matthew Levitt - Volume I	3 examined the foregoing transcript and:
4 DATE: September 24, 2013	4 (Check one of the following)
5 CASE: Mark Sokolow, et al vs. The	5 () The same is a true and accurate
6 Palestine Liberation Org, et al	6 record of the testimony given by me, and I have
7 INSTRUCTIONS:	7 made no corrections to this transcript.
8 1. Please read the transcript of your deposition	8 -OR-
9 and make note of any corrections or changes	9 () Any additions or corrections
10 on this Errata Sheet.	10 that I feel are necessary, I have listed on the
11 2. Indicate below general reason for change,	11 attached Errata Sheet.
12 such as:	12 As witness my hand and signature this
13 A. To correct stenographic error.	13 _____ day of _____.
14 B. To clarify record.	14
15 C. To conform to the facts.	15 -----
16 3. Sign the Certificate of Deponent page.	16 DR. MATTHEW LEVITT
17 4. Within 30 days of the Date Sent, return this	17
18 Errata Sheet, and signed Certificate of	18
19 Deponent, to the Attorneys listed on the	19
20 Appearance page.	20
21 PAGE # LINE # CORRECTION REASON	21

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1 MARK I. SOKOLOW, et al, * IN THE UNITED STATES
2 Plaintiffs, * DISTRICT COURT
3 vs. * FOR THE SOUTHERN
4 THE PALESTINE LIBERATION * DISTRICT OF NEW
5 ORGANIZATION, et al, * CIVIL ACTION NO.:
6 Defendants, * 04cv397 (GBD) (RLE)

7 * * * * *

8 VOLUME II of II

9 DEPOSITION OF:

10 DR. MATTHEW LEVITT,
11 was held on Wednesday, September 25, 2013,
12 commencing at 10:37 a.m., at Miller & Chevalier,
13 655 15th Street, N.W., Suite 900, Washington,
14 D.C., before Cheryl Jefferies, Certified
15 Shorthand Reporter.

16 * * * * *

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3 September 25, 2013

4 EXAMINATION BY: PAGE:

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6 EXHIBITS: PAGE:

7 191 E-mail exchange between Dr. 237

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10 193 U.S. State Department cable 248

11 via WikiLeaks

12 194 "Worrisome Findings on Decision- 256

13 Making" from Haaretz.com

14 195 Report entitled "Jenin, The 261

15 Capital of the Palestinian

16 Suicide Terrorists"

17 196 Report entitled "The 'Al Aqsa 288

18 Martyrs Brigades' (on US State

19 Department list of terror

20 organizations) and the Fatah

21 Organization are one and the

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197 Document from Newsmine.org 296

198 Report entitled "Palestinian 302

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2 EXHIBITS: PAGE:

3 199 "Woman dies in W. Bank; Arafat 315

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4 from Haaretz.com

5 200 Report entitled "The 'Al Aqsa 324

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6 Department list of terror

7 organizations) and the Fatah

8 Organization are one and the

9 same, and Yasser Arafat is their

10 leader and commander"

11 201 Report entitled "The Palestinian 338

Authority Employs Fatah

12 Activists Involved in Terrorism

13 and Suicide Attacks"

14 202 Letter dated 2/6/2002, Subject: 346

15 The general situation/state

16 of the Fatah Militias

17 203 Report entitled "The Involvement 351

18 of Arafat, PA Senior Officials

19 and Apparatuses in Terrorism

20 against Israel, Corruption and

21 Crime"

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18 and Hamas in the Jenin Area"

19 205 Report entitled "The Involvement 393

20 of Arafat, PA Senior Officials

21 and Apparatuses in Terrorism

against Israel, Corruption and

Crime"

2 EXHIBITS: PAGE:

3 206 "Arafat orders crackdown on 395

cease-fire violators" from

4 Haaretz.com

5 207 Report entitled "A Captured 407

6 Document Showing that in

7 Bethlehem the Fatah (Under

8 its Various Names) and the PA

9 Intelligence Apparatuses Maintain

10 a Regime of Oppression Based on

11 Intimidation, Extortion,

12 Unwarranted Arrests and Abuse

13 of the Local Christian Population

14 208 Article entitled "Israel Kills 418

15 Key Commander of Humans in

16 Helicopter Raid; Attack Could

17 Hurt U.S. Peace Effort on Eve

18 of Envoys' Arrival"

19 209 "U.S. dubs Al Aqsa Brigades 424

20 terrorist" from Haaretz.com

21 210 Report entitled "Patterns of 430

Global Terrorism 2002"

211 "Currently listed entities" 436

from Canada

212 "Arafat ordered Hamas attacks 438

18 against Israel in 2000" from

19 The Jerusalem Post

20 213 "Bush Says Palestinians Will 443

Lose Aid if They Keep Arafat"

from The New York Times

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<p>1 I-N-D-E-X (cont'd.)</p> <p>2 EXHIBITS: PAGE:</p> <p>3 214 "Arafat: End all attacks on 446</p> <p>4 Israel, Under pressure to halt</p> <p>5 terror; Palestinian leader makes</p> <p>6 plans"</p> <p>7 215 "Arafat urges militants to halt 446</p> <p>8 attacks on Israel" from the</p> <p>9 Baltimore Sun</p> <p>10 216 "The Palestinian Leadership 448</p> <p>11 Declare a State of Emergency</p> <p>12 Throughout the Palestinian</p> <p>13 Territory"</p> <p>14 (Original exhibits retained by counsel.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>	<p>1 Q. Did you write every word in that</p> <p>2 report?</p> <p>3 A. Yes, I did.</p> <p>4 MR. HILL: Let's mark this one,</p> <p>5 please.</p> <p>6 (Defendant's Deposition Exhibit Number</p> <p>7 191 was marked for identification.)</p> <p>8 BY MR. HILL:</p> <p>9 Q. Dr. Levitt, we're showing you what</p> <p>10 we've marked as Exhibit Number 191. Is that your</p> <p>11 e-mail address?</p> <p>12 A. That's one of them, yes.</p> <p>13 Q. Did you, in fact, have the e-mail</p> <p>14 exchange with someone named Rachel Weiser that's</p> <p>15 depicted on Exhibit 191?</p> <p>16 A. I don't remember the e-mail, but, yes,</p> <p>17 this is from my e-mail, and this is with Rachel.</p> <p>18 Q. All right. And you'll see that the</p> <p>19 e-mails are dated on March 23rd of this year,</p> <p>20 correct?</p> <p>21 A. Yes.</p>
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<p>1 P-R-O-C-E-E-D-I-N-G-S</p> <p>2 WHEREUPON --</p> <p>3 DR. MATTHEW LEVITT,</p> <p>4 a Witness called for examination, having been</p> <p>5 previously duly sworn, resumed his testimony as</p> <p>6 follows:</p> <p>7 THE REPORTER: You're reminded that</p> <p>8 you're still under oath.</p> <p>9 THE WITNESS: Yes, ma'am.</p> <p>10 EXAMINATION (cont'd.)</p> <p>11 BY MR. HILL:</p> <p>12 Q. Dr. Levitt, did you speak to anyone</p> <p>13 about your testimony between the time we recessed</p> <p>14 last night and right now?</p> <p>15 A. I did not.</p> <p>16 Q. If you could find your report, which</p> <p>17 has been previously marked as Exhibit 182.</p> <p>18 A. Is this my stack here?</p> <p>19 Q. Yes, sir. What portions of that</p> <p>20 report did you write?</p> <p>21 A. I wrote all of it.</p>	<p>1 Q. And if you'll look at the last page of</p> <p>2 Exhibit 182, which is your report, it bears your</p> <p>3 signature dated March 22nd of 2013. Do you see</p> <p>4 that, sir?</p> <p>5 A. I do.</p> <p>6 Q. And you, in fact, signed that on March</p> <p>7 22nd, right?</p> <p>8 A. Yes.</p> <p>9 Q. If you'll see in the text of Ms.</p> <p>10 Weiser's e-mail at the bottom, she says, "Oh, I</p> <p>11 also need to include a statement of the</p> <p>12 compensation to be paid for your report and</p> <p>13 testimony in this case. The report was</p> <p>14 \$5,000.00. What is your hourly rate for</p> <p>15 testimony in court?" Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And then you responded on March 23rd,</p> <p>18 it looks like maybe the time is cut off, "Rachel,</p> <p>19 yes, that's the fee for this report. My fee for</p> <p>20 testimony is \$400/hour." Do you see that?</p> <p>21 A. Yes.</p>

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1 Q. Okay. Do you know why Ms. Weiser was
2 e-mailing you on the 23rd indicating that she
3 needed to include a statement of the compensation
4 to be paid for your report and testimony in the
5 case?

6 **A. I don't remember the details. It's**
7 **possible that I was on travel, I travel a lot, or**
8 **out of the office for some reason and hadn't**
9 **included it in the Scope of Engagement, and**
10 **didn't realize that I was supposed to have, and**
11 **so she might have added that in under the Scope**
12 **of Engagement. Not, obviously, under my Opinions**
13 **or Findings, but in terms of what is legally**
14 **required to be in here.**

15 Q. Okay. So on the first page of 182,
16 the last sentence under Scope of Engagement does
17 say, "My hourly rate for providing testimony is
18 \$400.00 per hour," right?

19 **A. Correct.**

20 Q. And you're now thinking that maybe Ms.
21 Weiser wrote that?

1 Q. You mentioned yesterday that you were
2 first contacted by someone named Nitsana
3 Darshan-Leitner about working on this case,
4 right?

5 **A. Again, I don't remember if I said that**
6 **I was first contacted by her but that I was**
7 **working for her firm. It might have been someone**
8 **else in her firm or her husband who works with**
9 **her. But, yes, I think it was their firm.**

10 Q. For the record, what is her husband's
11 name?

12 **A. Avraham -- Abraham in English.**
13 **A-V-R-A-H-A-M. He goes by Avi, A-V-I.**

14 Q. And you mentioned Ms.
15 Darshan-Leitner's firm. What is the name of her
16 firm?

17 **A. It's Hebrew, so I'll spell it. Don't**
18 **worry. Shurat, S-H-U-R-A-T, HaDin, capital**
19 **H-A-D-I-N.**

20 Q. Okay. And does Rachel Weiser also
21 work for Shurat HaDin?

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1 **A. It's possible she added that in.**

2 Q. Do you know if any other changes were
3 made to your report after you signed it on March
4 22nd, 2013?

5 **A. Not to my knowledge, no.**

6 Q. Have you retained a copy of your
7 report before it was modified by Ms. Weiser?

8 **A. I don't know.**

9 Q. All right. Have you sent a bill for
10 your work on this case?

11 **A. If I recall, I sent one bill for, I**
12 **think it was the 5,000, and there is a pending**
13 **invoice that will go out when we're done with**
14 **this deposition. I understand part of that goes**
15 **to you and part of that goes to them.**

16 Q. Have you been paid anything for your
17 work on this case?

18 **A. I'm pretty sure I've been paid the**
19 **5,000, yes.**

20 Q. Was that a check or a wire?

21 **A. It would have been a wire.**

1 **A. Yes.**

2 Q. In fact, what we've marked as Exhibit
3 Number 191, it says at the top, "Work/Shurat
4 HaDin," correct?

5 **A. That's right.**

6 Q. And you've done work for Shurat HaDin
7 on other matters, right?

8 **A. I have.**

9 Q. Are you familiar with a term called
10 lawfare, L-A-W-F-A-R-E, all one word?

11 **A. I am.**

12 Q. What does that mean?

13 **A. It's an idea that people try and**
14 **stymie -- either debated an issue or intimidate**
15 **someone from investigating an issue by drowning**
16 **them in frivolous lawsuits.**

17 Q. And are you aware whether Shurat HaDin
18 engages in lawfare?

19 **MR. HORTON: Object to the form.**

20 **A. Not to my knowledge, they do not.**

21 Q. Have you ever visited Shurat HaDin's

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1 website?

2 **A. I don't think I have.**

3 MR. HILL: Let's mark this as the next
4 exhibit, please.

5 (Defendant's Deposition Exhibit Number
6 192 was marked for identification.)

7 BY MR. HILL:

8 Q. We've handed you what's been marked as
9 Exhibit Number 192, which you'll see at the top
10 left has the words, "Shurat HaDin, Israel Law
11 Center." Do you see that, sir?

12 **A. I do.**

13 Q. And you'll see that the first word in
14 the center column there is, "Lawfare: Fighting
15 Back." Do you see that, sir?

16 **A. Yes.**

17 Q. It says, "While anti-Jewish and
18 anti-Israeli individuals and organizations around
19 the world seek to harm Israel and its people
20 using warfare, terrorism, and other illegal or
21 deceitful tactics, Shurat HaDin believes in using

1 American citizens and their successful \$338

2 million lawsuit against the Government of Syria."

3 Do you see that?

4 **A. I do.**

5 Q. You were involved in that case, right?

6 **A. I testified in that case, yes.**

7 Q. Were you involved in the lawsuit
8 against former President Carter?

9 **A. No.**

10 Q. Were you involved in the lawsuit that
11 Shurat HaDin brought against the United States
12 State Department?

13 **A. No.**

14 Q. How many cases have you been involved
15 in with Shurat HaDin, to the best of your
16 knowledge?

17 **A. I think this is the third.**

18 Q. In fact, sir, you have worked with
19 Shurat HaDin on a total of five other cases
20 against the PA and the PLO, right?

21 **A. I don't think that's true, though it's**

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1 existing laws to obtain its objectives." Do you
2 see that, sir?

3 **A. I do.**

4 Q. The next paragraph says, "Thus, we
5 have been involved in court actions ranging from
6 a lawsuit against Jimmy Carter for
7 misrepresentation, to forcing the trial of Hamas
8 terrorists as war criminals. We also engage the
9 media and public at large to clarify important
10 issues, like designating the Gaza flotilla a
11 violation of U.S. law under the U.S. Neutrality
12 Act, and notifying maritime insurance carriers
13 about the illegality of providing insurance to
14 future flotilla vessels." Do you see that?

15 **A. I do.**

16 Q. Then they list some of their cases,
17 and there are what appear to be links to
18 different news reports, right?

19 **A. Yes.**

20 Q. The first one mentions, "A Tel-Aviv
21 based law center has represented two families of

1 **possible that sometimes law firms partner with**
2 **each other, so some of these cases may be cases**
3 **that in my mind I've worked with another law**
4 **firm, but maybe Shurat HaDin has been involved as**
5 **well.**

6 Q. Let me just ask you about each of them
7 for the record.

8 **A. Sure.**

9 Q. Were you working with Shurat HaDin for
10 the work you did in the Parsons case?

11 **A. No.**

12 Q. What firm were you working with on
13 that case?

14 **A. Perles, P-E-R-L-E-S. Steven Perles.**

15 Q. Were you working with the Shurat HaDin
16 law firm in the Shatsky case?

17 **A. I don't think so. I think -- I don't**
18 **remember which firm it was, but it was not Shurat**
19 **HaDin. I only started working with them fairly**
20 **recently. If you have a list of any of the other**
21 **law firms that were involved in that case, I can**

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1 **probably tell you from the list which one I was**
2 **involved with.**

3 Q. That's okay. How about the
4 Sapperstein case? Were you working with Shurat
5 HaDin on the Sapperstein case?

6 **A. Sapperstein. I did work on the**
7 **Sapperstein case. I can't recall if that was**
8 **Shurat HaDin. It might have been, but I think it**
9 **was another firm.**

10 Q. Okay.

11 **A. But I did work on that case.**

12 Q. Were you working with Shurat HaDin in
13 connection with the Klineman case that you
14 mentioned yesterday?

15 **A. No.**

16 Q. What was the name of the firm you were
17 working with in Klineman?

18 **A. I think that was Heideman.**

19 Q. And in this case, the Sokolow case,
20 you are working with Shurat HaDin, right?

21 **A. Yes.**

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1 MR. HILL: Let's mark this one,
2 please.

3 (Defendant's Deposition Exhibit Number
4 193 was marked for identification.)

5 BY MR. HILL:

6 Q. Dr. Levitt, I'm handing you what's
7 been marked as Exhibit Number 193, which appears
8 to be a U.S. State Department cable that's been
9 reprinted on the website known as WikiLeaks.

10 **A. Can I interrupt you for a second? I**
11 **apologize.**

12 **This presents a problem for me. I'll**
13 **explain. WikiLeaks is in the public domain, but**
14 **this information is not declassified. It remains**
15 **classified.**

16 **When I left the Treasury Department, I**
17 **signed a pledge to protect classified**
18 **information, and most lawyers, including those**
19 **I've spoken to, says that I should not be reading**
20 **WikiLeaks, and I don't. I don't use it in my**
21 **work.**

1 **So I don't want to look at this. I**
2 **don't want to participate in this. This is still**
3 **classified information that you just provided me.**

4 Q. Okay. Is this classified information
5 you received while you worked for the United
6 States Government?

7 **A. I don't know what it is. I haven't**
8 **looked at it, and I don't want to.**

9 Q. Were you employed by the United States
10 Government on August 30th, 2007?

11 **A. Well, I guess -- when did I leave?**
12 **No, I was not. I left in January 2007.**

13 Q. Well, if this document was cabled on
14 August 30th, 2007, you would agree with me that
15 it's not possibly material that you were exposed
16 to as a U.S. Government employee?

17 **A. That's right.**

18 Q. Does that change your position on
19 whether you're willing to look at the document?

20 **A. Unfortunately, no. The ban is on**
21 **looking at and using classified information.**

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1 **This is classified information even though it's**
2 **in the public domain. It's ridiculous, I agree,**
3 **but the Government's not declassified it, and**
4 **I've been advised not to use any WikiLeaks stuff.**

5 Q. Okay. Well, I understand you're
6 refusing to look at it. I appreciate you
7 explaining your rationale.

8 **A. If there's something -- I'm sorry to**
9 **interrupt.**

10 **If there's something about this, like**
11 **a New York Times article talking about it, that,**
12 **I can look at. But I can't -- I'm sorry.**

13 Q. Why wouldn't the same rationale apply
14 if it was in The New York Times as opposed to the
15 WikiLeaks web page?

16 **A. So if it's on The New York Times**
17 **website and it appears in total, then it's the**
18 **exact same thing. But if -- I'm allowed to read**
19 **the newspapers, and if newspapers talk about**
20 **things, like I'm not -- the Barton Gellman**
21 **articles on NSA, that type of stuff happens all**

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1 the time. It's a step enough removed that it
2 doesn't impact as much. I'm not actually looking
3 at a classified document. I'm not responsible
4 for that.

5 Q. If there's other formerly classified
6 material or classified material that's been
7 leaked, you are excluding that from your
8 consideration in this case, right?

9 A. That's right.

10 Q. So if there's information that was
11 leaked and is on the WikiLeaks page, that's
12 information that you have not considered in your
13 opinions?

14 A. Correct.

15 Q. Do you know if other scholars in the
16 field share your inhibition on using WikiLeaks
17 material?

18 A. It's a question of whether or not --
19 well, it's a question of how they interpret it in
20 general terms. There's lots of different
21 opinions on this. There's one think tank here in

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1 town that simply barred WikiLeaks material from
2 appearing on any of its servers. Nobody's
3 allowed to use it. But for the most part, the
4 consensus appears to be that it affects people
5 who have been in Government and have signed a
6 pledge to protect classified material, and,
7 therefore, people who have not been in Government
8 tend to feel a lot more comfortable using it, and
9 certainly non-Americans.

10 Q. So you're comfortable using material
11 released by the Israeli Government, but not
12 comfortable considering classified material that
13 was once in the possession of the United States
14 Government?

15 A. It's not a question of release. It's
16 a question of declassification. And in that
17 sense, release, the U.S. Government never
18 released this information. So if the U.S.
19 Government released it and made it declassified,
20 I use declassified material all the time. If the
21 Israelis provide something and it's no longer

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1 classified or they publicly release it for public
2 use, that's another thing.

3 And, also, frankly, I'm not an Israeli
4 citizen. I have no obligation, like I do to the
5 United States, to protect their classified
6 information as I do my own.

7 Q. Let's do it as a hypothetical then.

8 A. Sure.

9 Q. Assume that Nitsana Darshan-Leitner
10 has said that in the early years, Shurat HaDin
11 took direction from the Government of Israel
12 about which cases to pursue. Assume that she
13 said that. Has she ever told you that?

14 A. No.

15 Q. Do you know if this case is one of the
16 cases that the Government of Israel directed
17 Shurat HaDin to pursue?

18 A. I don't.

19 Q. Do you know if any of the other cases
20 you've worked on for Shurat HaDin, are one of the
21 cases that the Israeli Government directed Shurat

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1 HaDin to pursue?

2 A. Not to my knowledge.

3 Q. All right. As I just alluded to, in
4 your report there are a number of occasions where
5 you rely on documents that were released by the
6 Israeli Government; is that correct?

7 A. For simplicity sake, let's say yes,
8 and we'll get into, I'm sure, as to what is and
9 what is not actually Israeli Government or from
10 the Israeli Government.

11 Q. All right. And the organization
12 within the Israeli Government that was dealing
13 with the release of these materials and
14 publishing these reports online, was called the
15 IDF Military Intelligence group, right?

16 A. In some instances, yes.

17 Q. And you're familiar with that
18 organization?

19 A. Yes.

20 Q. Are you familiar with someone called
21 Efraim Halevy?

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1 **A. E-F-R-A-I-M, Halevy, H-A-L-E-V-Y.**

2 Q. And what position did he hold within
3 IDF's Military Intelligence?

4 **A. I don't know what Efraim Halevy held**
5 **in IDF Military Intelligence. I think his last**
6 **position was as head of the Mossad, which is a**
7 **different organization, M-O-S-S-A-D. It's their**
8 **version of the CIA.**

9 Q. Okay. And are you also familiar with
10 someone called Matti Steinberg?

11 **A. No.**

12 Q. Are you aware that -- let me ask you
13 more precisely.

14 Do you know someone named Ephraim,
15 E-P-H-R-A-I-M, Lavie, L-A-V-I-E?

16 **A. No.**

17 Q. Do you know whether he held a position
18 in IDF's Military Intelligence organization?

19 **A. It would be hard for me to know that**
20 **if I don't know him, no.**

21 Q. Do you know whether Matti Steinberg

1 **press sources go.**

2 Q. If you look down at the bottom, the by
3 line for this article indicates that, "Colonel
4 Dr. Ephraim Lavie headed the Palestinian section
5 in the military intelligence directorate's
6 research division during the second intifada.
7 Dr. Matti Steinberg was an advisor to the Shin
8 Bet director." Do you see that, sir?

9 **A. I do.**

10 Q. Do you have any reason to doubt that
11 the purported authors of this article in fact
12 held those positions?

13 **A. No reason to doubt them, no.**

14 Q. Sir, I was going to call your
15 attention to about halfway down the page.
16 There's a paragraph that says -- starting with
17 the word, "Rather." Do you see that?

18 **A. Yes.**

19 Q. It reads, "Rather than serve as a
20 professional element that presents intelligence
21 about the enemy as it understands it, Military

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1 worked for what's known as Shin Bet?

2 **A. I don't.**

3 Q. And for the record, what is Shin Bet?

4 **A. It's the Israeli equivalent to the**
5 **FBI. It's their domestic security intelligence**
6 **outfit.**

7 MR. HILL: Let's mark this as our next
8 exhibit.

9 (Defendant's Deposition Exhibit Number
10 194 was marked for identification.)

11 BY MR. HILL:

12 Q. We've handed you what has been marked
13 as Exhibit Number 194, which is a printout from
14 Haaretz, H-A-A-R-E-T-Z, dot com. What is
15 Haaretz?

16 **A. Haaretz is one of the main English**
17 **language daily newspapers in Israel. Actually in**
18 **Hebrew, too, but this is English.**

19 Q. Do you believe it is a reliable press
20 source as press sources go?

21 **A. As press sources go and as Israeli**

1 Intelligence was harnessed to use public
2 diplomacy and propaganda to ostensibly provide
3 expert backing for Sharon's policies." Do you
4 see that, sir?

5 **A. I do.**

6 Q. Are you familiar with that critique of
7 the IDF Military Intelligence organization?

8 **A. Not as such, no. That is to say I**
9 **haven't seen this article and I haven't seen a**
10 **critique of the -- sometimes it's called Defense**
11 **Ministry Intelligence, or DMI, but I have seen**
12 **that critique of the way DMI took information,**
13 **mostly seized documents, and provided it to an**
14 **affiliated think tank. And people criticized**
15 **that, that that's not something that the Military**
16 **Intelligence outfit would normally do.**

17 Q. Now that you are aware of that
18 critique, does that cause you any concern about
19 relying on the materials that were released by
20 DMI, as you've described it?

21 **A. No. With the caveat, that is to say,**

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1 the primary source documents that were released
2 and authenticated are what they are. But then
3 the additional analysis that goes along with it,
4 sometimes by the people who are putting it out,
5 which was the -- it was originally called CSS,
6 the, I think, Center for Special Studies, which
7 was this kind of pseudo think tank kind of
8 affiliated with the Israeli military. That is a
9 different issue.

10 In other words, the primary source
11 documents are primary source documents, and then
12 one may agree or disagree with the analysis and
13 before and after put out by the military. You
14 know, as a researcher, you interview or you read
15 things, and everybody's got their opinion and
16 everybody's out to inform and persuade, whether
17 it's, you know, a politician here or a foreign
18 government for sure, and so you have to weigh
19 that in your considerations.

20 Q. So are you saying, sir, that your
21 opinions are not based on the IDF Military

1 A. I do.

2 Q. And for that discussion of that
3 particular document, you cite to, in Footnote 16,
4 something called, "Jenin: The Capital of the
5 Palestinian Suicide Terrorists, IDF/MI report."
6 Do you see that, sir?

7 A. I do.

8 Q. And the IDF/MI is the organization
9 that we've been discussing, right?

10 A. Correct.

11 Q. So you are, in fact, citing to the
12 report of that organization there for a statement
13 about a purported September 2001 letter, right?

14 A. Again, these reports include, often as
15 a appendices, the primary source documents, so it
16 looks like I am citing to that report within
17 which is included the document.

18 MR. HILL: Let's mark this, please.

19 (Defendant's Deposition Exhibit Number
20 195 was marked for identification.)

21 BY MR. HILL:

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1 Intelligence spin on the documents?

2 A. I don't think there is any, and I
3 don't know that I'd call it spin. That's your
4 word. It's their analysis, and maybe it's spin,
5 maybe it's just their analysis, and maybe I would
6 agree or maybe I disagree, but I try to keep to
7 the seized documents and to note, if and when
8 citing to some of their analysis, that I'm doing
9 that. In other words, to keep the two separate.

10 Doesn't mean that their analysis is
11 necessarily wrong. There's a difference between
12 analysis and spin, of course.

13 Q. Well, let's look at Page 10 of your
14 report, where you begin to discuss some of these
15 seized documents, as you've describe them. In
16 the first paragraph, carry-over paragraph there,
17 you reference what you describe as a September
18 2001 letter from Fatah members in the Jenin
19 Refugee Camp to Marwan, M-A-R-W-A-N, al, A-L,
20 dash, Barghouti, B-A-R-G-H-O-U-T-I. Do you see
21 that, sir?

1 Q. Dr. Levitt, I've handed you Exhibit
2 195. Is this, in fact, the IDF/MI report that
3 you cite in Footnote 16 of your report?

4 A. Yep, that appears to be it.

5 Q. Turn, if you will, to Page 17 of the
6 report.

7 A. Okay.

8 Q. And you will see there, sir, on Page
9 17, 18 and 19 what purports to be a copy of an
10 original document in Arabic. Do you see that?

11 A. I do.

12 Q. For the record, sir, you do not read
13 Arabic, right?

14 A. Correct.

15 Q. When you have made statements about
16 the content of this report, you are, therefore,
17 necessarily relying on a translation, right?

18 A. Correct.

19 Q. Are you, in fact, relying on the
20 translation provided by the IDF/MI on Pages 14,
21 15, and 16 of this exhibit?

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1 A. Likely.

2 Q. Have you seen another translation of
3 this document, sir?

4 A. I don't think I have seen another
5 translation, but because I don't read Arabic, we
6 do have Arabic speakers within our institute and
7 I'll often run things by them to make sure that
8 the translation is not inaccurate.

9 Q. Okay. And did you run this particular
10 document by such a person to determine whether
11 this was an accurate translation?

12 A. I don't recall.

13 Q. What is the name of the person that,
14 if you had done that, you would have run it by?

15 A. I don't recall. Usually it's research
16 assistants who come and go, and it's whoever's
17 around.

18 Q. So sitting here today, if I wanted to
19 find someone to verify that, in fact, an Arabic
20 speaker had looked at this for you and told you
21 this was an accurate translation, you can't help

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1 me find such a person, right?

2 A. Not only can I not help you find such
3 a person, I can't tell you if it actually
4 happened, as I've already said to you.

5 Q. Okay. So you don't regard it as
6 necessary to have an independent translation of
7 these documents; is that correct?

8 A. In my experience, the translations are
9 generally accurate. But, again, I do often of
10 them translated, not the whole document, but if
11 I'm looking at a piece.

12 Q. Now, you say in your experience
13 they're generally accurate. What experience
14 makes you think these are generally accurate?

15 A. Like I said, I often will have people
16 take a look at a document that comes to me, well,
17 certainly if it's only in a foreign language, but
18 if it comes with translation, to make sure the
19 translation isn't off. I can't tell you that
20 that was the case with this specific document.

21 Q. Let's try it this way then: For any

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1 of the documents that were released by the
2 Israeli Government, did you have anyone do an
3 independent translation of those documents?

4 A. I did not pay someone to do a
5 professional translation of any of these and
6 write it down as such.

7 Q. For any of the documents released by
8 the Israeli Government that you refer to in this
9 report in this case, did you have an independent
10 translator look at the Israeli Government
11 translation to verify it?

12 A. I don't know what you mean by
13 independent translator. But, again, I would seek
14 someone out in my office who speaks Arabic and
15 have them look at it and verify for me that it is
16 or isn't an accurate translation.

17 Q. Sir, can you tell me today of a
18 particular document you cited in your report that
19 was released by the Israeli Government for which
20 you did have an Arabic speaker review the
21 translation for accuracy?

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1 A. No, I don't keep records of, you know,
2 when I walk down the hall and ask a colleague to
3 eyeball something for me.

4 Q. Can you tell me the name of any
5 colleague that you used for the purpose you've
6 describe of verifying the accuracy of the
7 translations provided by the IDF/MI?

8 A. No.

9 Q. So there's no way for me to verify
10 your assertion that someone may have checked
11 these translations for you, right?

12 A. Again, I haven't asserted that someone
13 checked all these translations for me, but --

14 Q. Okay. Your testimony is you may have
15 just relied on this, without having someone check
16 it, or you may have had someone check it, right?

17 A. My testimony is that I don't recall
18 each and every document from something that came
19 out years ago -- what was this, 2002 when I was
20 originally working on this -- and to tell you who
21 and when and on what date I had looked at these

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1 **things. I can tell you that I often do this. I**
 2 **can't tell you what happened 13 years ago.**

3 Q. Okay. All right. For this document,
 4 sir, you were obviously not present when the
 5 Arabic document was created, right?

6 **A. Correct.**

7 Q. And that's true for all of the release
 8 documents that you cite in the report, right?

9 **A. Correct.**

10 Q. And you were also obviously not
 11 present when this document came into the
 12 possession of the IDF, right?

13 **A. Correct.**

14 Q. And that's true, again, for all of the
 15 release documents that you cite?

16 **A. Correct.**

17 Q. And it's also true, sir, that you have
 18 no firsthand knowledge of who may have received
 19 this document other than the IDF, right?

20 MR. HORTON: Just to be clear, when
 21 you say, "This document," you're referring to the

1 Q. You did? So you believe you've seen
 2 some materials the IDF seized that are not
 3 publicly available?

4 **A. I believe not all the material that**
 5 **they had shown me during one of my research**
 6 **trips, did they ultimately put on the Internet.**
 7 **They didn't give these to me. I don't have them,**
 8 **didn't rely on them.**

9 Q. Were any of these materials that you
 10 were allowed to see that are not publicly
 11 available from the IDF about the relationship
 12 between the AAMB and Fatah?

13 **A. I don't recall. And it wasn't kind of**
 14 **an opportunity for me to have a detailed look at**
 15 **the documents they were showing, as they were to**
 16 **many generalists and scholars. A reporter from**
 17 **The New York Times went and went and toured their**
 18 **facility and others as well and wrote about it at**
 19 **the time. They were agreeing to request by**
 20 **reporters and academics, including myself, to see**
 21 **some of the documents to be able to try and make**

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1 whole report or to the Arabic letter?

2 MR. HILL: I'll clarify that.

3 Q. The particular document that we're
 4 discussing now, the September 2001 letter, sir,
 5 you have no firsthand knowledge of who may have
 6 received this document other than the IDF, right?

7 **A. I'm not sure I fully understand the**
 8 **question, but, no, I don't know if anybody other**
 9 **than the IDF ever got their hands on this**
 10 **document until they made public obviously.**

11 Q. And then when it became public, that's
 12 when you got to see it, right?

13 **A. Generally, though as I stated**
 14 **yesterday, there were some instances where I was**
 15 **shown some of these before they went up on the**
 16 **Internet.**

17 Q. Okay. Now, when you were shown things
 18 before they went up on the Internet, did you see
 19 anything that was not ultimately posted on the
 20 Internet?

21 **A. Very likely.**

1 **an assessment of what was going on and how**
 2 **reliable they were, this was in the early days**
 3 **when they first started doing this, so that they,**
 4 **in my case I, could come back here and speak to**
 5 **officials here and get a sense of is this, as you**
 6 **put it earlier, spin, or are these actually**
 7 **documents that are authentic?**

8 Q. Now, when were you shown these
 9 documents that you've described as being -- that
 10 you and others were allowed to see but were not
 11 ultimately released? What year and date, to the
 12 best of your recollection?

13 **A. I don't have a date, and I can't even**
 14 **give you an exact year.**

15 Q. Let's try it this way: Was it while
 16 you were working for the FBI or after you left?

17 **A. No, no, let's be clear. Nothing we**
 18 **are discussing here, nothing that has anything to**
 19 **do with this report has anything to do with my**
 20 **time at the FBI or my time at Treasury, period.**

21 Q. So when did you leave the FBI?

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1 A. I left the FBI in November 2001.

2 Q. So it was clearly after that date?

3 A. Yes.

4 Q. So with that as maybe a fixed point,
5 what's your best estimate of when you went and
6 saw these documents that the rest of the public
7 hasn't seen?

8 A. That was November 2001. I didn't
9 immediately go on a trip to Israel. The earliest
10 would have been 2002. I'm not sure I went then,
11 but the earliest would have been 2002. And the
12 latest would have been -- this was before I went
13 back to Treasury, which was 2005.

14 Q. So who other than yourself was in this
15 group that were allowed to see documents by the
16 IDF that were not publicly released?

17 A. This was not a group. I went on my
18 lonesome.

19 Q. You went by yourself?

20 A. Correct. After, I think it was -- I
21 don't remember who it was, but someone from The

1 an opportunity for them to show, you know, the
2 kind of -- the scale and scope of the documents
3 they seized and kind of, you know, how they were
4 trying to process it, and so they kind of put
5 things out on the table and I probably didn't,
6 you know, get to read very much, but.

7 Q. Did you get to read some things?

8 A. You got to scan some things. You got
9 to, you know, glance through some things. A lot
10 of them, especially in those early years, were
11 less text, exception of seized documents, and a
12 lot more of images, posters of suicide bombers or
13 martyrs.

14 Q. Did you see translations of these
15 materials that had been prepared by IDF/MI?

16 A. I don't recall.

17 Q. So are you saying you just saw Arabic
18 stuff that you couldn't understand?

19 A. What stuff was in Arabic, they
20 probably translated. Other stuff, you know, like
21 I said it wasn't sitting down and taking notes on

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1 New York Times had gone. I think it was someone
2 from Wall Street Journal had gone. That's how I
3 got the idea that maybe if I put in a request,
4 they'd say yes.

5 Q. Do you know the names of the reporters
6 from the two newspapers you've mentioned that got
7 to see this stuff?

8 A. Not offhand, but that should be
9 Googleable. They came back and wrote articles
10 about it.

11 Q. Apart from those two reporters and
12 yourself, can you give me the name of any other
13 person that has seen the materials you've
14 described as you seeing but not being publicly
15 released?

16 A. The answer's no. I know there were a
17 whole bunch of people who did this, A. And, B, I
18 don't know that we all saw the same materials.
19 As I was saying earlier, this was not an
20 opportunity to sit down with a pile of documents
21 and kind of go through them in detail. This was

1 a poster. The poster largely speaks for itself,
2 often with pictures of individuals I was familiar
3 with at the time from studying these things and
4 the emblems of groups I'm familiar with. And
5 they're mostly telling -- these are examples of
6 things that we picked up in the city or that city
7 or --

8 Q. What were the names of the people that
9 were showing you this material?

10 A. I don't recall. I've never met them
11 before. Some random person who was assigned.

12 Q. And where did you go to view this
13 material?

14 A. So I first went to the Israeli
15 Military Headquarters in Tel-Aviv. I actually
16 remember the name of one guy. The person who was
17 kind of overseeing it at the time was a guy --
18 and I'll spell it for you, Reuven, R-E-U-V-E-N,
19 Ehrlich, I think that's E-H-R-L-I-C-H, or
20 thereabouts, who was, I think, a retired or
21 reserve or whatever officer, who because of his

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1 English, and I think he had some academic
2 pedigree of some sort, was brought in to kind of
3 be the one to oversee this, kind of give it some
4 academic flavor to it.

5 And then they had set up -- well, at
6 that point they hadn't yet set up this facility
7 that became known as the Center for Special
8 Studies, CSS, and later took on another name. I
9 think it went by ITIC. I don't remember what
10 that stands for.

11 Q. But you've only been on the one
12 occasion, right?

13 A. Twice.

14 Q. So there was another trip where you
15 saw documents from the IDF?

16 A. I don't know if I saw documents, but
17 I'll tell you about it if you want.

18 Q. Well, I mean that's the issue, is did
19 you see documents from the IDF that purported to
20 be seized documents other than on the one
21 occasion when you went to Military Headquarters?

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1 A. Well, certainly whenever they made
2 them public. I didn't --

3 Q. Apart from that.

4 A. On this first trip, if it's okay,
5 because you asked, I went to the Military
6 Headquarters, and then there's a base, whose name
7 I have no recollection of, just outside Tel-Aviv
8 where they had a warehouse with the documents.
9 You have to peek in the warehouse and --

10 Q. While you were at the warehouse, did
11 you actually look at any documents or just --

12 A. No.

13 Q. -- boxes? So when you were at
14 Military Headquarters, were any of the documents
15 that you were shown by the IDF related to whether
16 the PA or PLO supported terrorism during the
17 Second Intifada?

18 A. I don't recall.

19 Q. All right. We talked earlier about
20 how you don't have any firsthand knowledge of
21 whether this particular September 2001 document

1 was ever received buy anyone other than the IDF.
2 That's also the case for all the documents you
3 cite that the IDF released, right?

4 A. Correct.

5 Q. Now, if you'll look at Exhibit 195,
6 the IDF/MI report, on Page 19 of the report,
7 which purports to be the original Arabic
8 document, you'll notice that the first line is
9 cut off, right?

10 A. Correct.

11 Q. And you don't have any idea what is
12 written on that first line, right?

13 A. No.

14 Q. And you don't know who cut that first
15 line off, do you?

16 A. No. Or even if it's only cut off in
17 this version. I don't know.

18 Q. What have you done to verify the facts
19 that are asserted in this Arabic document?

20 A. We've covered that. I've asked
21 people -- again, and I can't say this specific

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1 document, but I often ask people for the general
2 gist of things. If this is the copy that I was
3 looking at at the time and it was cut off, and if
4 that sentence was something that was of interest,
5 or certainly if it was something I'm relying on,
6 then that would be a problem.

7 Q. Would it be a problem if that sentence
8 refers to the PA?

9 A. Not if -- not necessarily.

10 Q. Well, it could be a problem, right,
11 because you don't know what it says about the PA?

12 A. Well, often you can tell by context if
13 a few words are missing, and --

14 Q. How can you tell by context, sir?

15 A. Well, if a document is talking about
16 how, you know, the PA is involved in humanitarian
17 work and then there's a sentence missing and it's
18 continuing talking about the PA involved with
19 humanitarian work, you can surmise that the
20 middle sentence or middle few words are probably
21 a continuation of what was and continued to be

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1 discussed.

2 Q. Did you make any surmise about what
3 the missing text in this instance said?

4 A. I don't recall that at all. I don't
5 recall the specifics of this document.

6 Q. You said we talked about this before
7 in terms of what you did to verify it. Do you
8 mean by that that you have spoken to people about
9 this document but you don't know who or when or
10 where?

11 A. I did speak to people about specific
12 documents and don't recall and did not keep
13 records of which documents. But more to the --
14 more frequently, and more to the point, was
15 talking to people in more general terms about
16 whether the confiscated documents, plural, and
17 not any one particular document, were considered
18 by the U.S. Government or other governments as
19 being authentic.

20 Q. I want to return to that point, but
21 let's just make sure the record is clear on this.

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1 Today, you cannot tell me of anything you did
2 to verify the facts contained in what you
3 describe as the September 2001 letter on Page 10
4 of your report, right?

5 MR. HORTON: Object to form.

6 A. Right. I can't tell you what I did to
7 verify the letter that's in front of us dated
8 September 2001.

9 Q. Look, if you will, on the IDF/MI
10 translation of the document, which is on Page 15
11 of Exhibit 195.

12 The second paragraph on that page,
13 sir. Page 15.

14 A. Yes.

15 Q. It says, "We in the Fatah movement in
16 Jenin RC receive nothing that could be called a
17 working budget in comparison to the other
18 factions." Do you see that?

19 A. I do.

20 Q. And you did not include that
21 particular quote in your report, did you?

1 A. I don't think so. I'd have to review
2 the report to tell you specifically, but I'll
3 take your word for it.

4 Q. If you look down to the next
5 paragraph, the sixth line from the bottom says,
6 "All the arms at Fatah's disposal are private
7 property, obtained by getting into debt or by the
8 participation of several brothers together in
9 purchasing one rifle. There are even those who
10 sold their wives' gold to buy arms. Most of the
11 activity that we carry out, whether inside
12 outside the RC, is (financed) by means of debt
13 that are piling up on our shoulders." Do you see
14 that?

15 A. Yes.

16 Q. You also do not quote those particular
17 sentences in your report, right?

18 A. Correct.

19 Q. Now, the parenthetical information
20 there, the word "financed," do you know whether
21 that was in the original Arabic document?

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1 A. No.

2 Q. So you don't know whether that's
3 something that's been added by the IDF/MI
4 translator?

5 A. No. It might have been something I
6 checked at the time, but there's no way for me to
7 recall now.

8 Q. You agree with me, sir, that there's
9 no indication in the translation that the IDF/MI
10 has provided that any money was paid in response
11 to this document, right?

12 A. Correct.

13 Q. All right. And the document itself
14 does not identify who authored the document,
15 right?

16 A. Correct.

17 Q. And you have obviously not spoken to
18 the author of the document about this document,
19 right?

20 A. That would have been hard.

21 Q. And it's addressed to Mr. Barghouti.

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1 You have not spoken to Mr. Barghouti about it,
2 have you?

3 **A. No.**

4 **Q.** In fact, you have no idea whether Mr.
5 Barghouti ever received this document, right?

6 **A. I've never had the opportunity to ask**
7 **him about it, but, again, I did spend time**
8 **talking to officials about whether the consensus**
9 **was that these were authentic documents, and I**
10 **guess the answer is ultimately no. It could be**
11 **an authentic document and I guess maybe it didn't**
12 **get to him.**

13 **Q.** So sitting here today, you have no
14 idea whether or not Mr. Barghouti ever actually
15 laid eyes on this particular document, do you?

16 **A. Again, there's no way for me to keep**
17 **this all at my finger tips. I can't remember if**
18 **this report explains where and when it was found.**
19 **If it was found in his home or someplace he**
20 **works, then it's more than likely. If it was**
21 **found some random place, then it's harder to say,**

1 **in putting forward what is probably their honest**
2 **perspective on something, but they're party to a**
3 **conflict.**

4 **Q.** So the bottom line, sir, is that you
5 have taken this translation provided by the
6 IDF/MI and you have relied on the facts that are
7 asserted in this translation as if they were
8 true, right?

9 **A. By and large.**

10 **Q.** Have you done anything to verify the
11 truth of what you've relied on from this
12 translation of this document?

13 **A. Beyond what we've already discussed,**
14 **and specific to this document, I don't think so.**
15 **It is possible. Again, as I said earlier -- I**
16 **feel like we're going a little bit in circles --**
17 **I did sometimes sit down with people with**
18 **specific documents. I don't know which. Might**
19 **have been some of these, might have been**
20 **something totally different, might not have had**
21 **anything to do with anything related to this**

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1 **but.**

2 **Q.** Okay. And just to discuss that for a
3 moment: Are you suggesting that you would take
4 the IDF/MI's word on where it found the document?

5 **A. Again, as a matter of course, you**
6 **don't take anybody's word for, you know, foreign**
7 **government, if you're talking about partisan**
8 **politics here, a particular party as opposed to**
9 **another. And certain details are ultimately not**
10 **going to be verifiable to the finest point.**

11 **But what you can do is try and get a**
12 **sense of whether or not others, whether it's**
13 **academics or government officials, have reason to**
14 **believe that the documentation is authentic.**

15 **And, of course, the IDF is a part of**
16 **the Israeli Government. It is a sovereign**
17 **government. It is a close ally of the United**
18 **States. It's not the case that it is going to**
19 **make up everything under the sun by any stretch**
20 **of the imagination. And, yet, the IDF is the**
21 **Israel defense forces, and they have an interest**

1 **case.**

2 **There were documents that had nothing**
3 **to do with al-Aqsa or Fatah, or stuff like that.**
4 **Hamas, for example. But I also did spend time**
5 **trying to get a sense of the overall sense of the**
6 **authenticity of the documents.**

7 **Q.** And just for the record, that's true
8 for all of these documents that you're citing
9 here, right? You cannot recollect a single
10 instance where you took a single one of the
11 documents you cite to someone and talk to them
12 about whether what was in it was true, right?

13 **A. That's right.**

14 **Q.** On Page 10, at the bottom of the
15 page --

16 **A. Of which document?**

17 **Q.** Of your report.

18 **A. My report. Okay.**

19 **Q.** You also reference what you call a
20 2001: "Comprehensive Report on the Al Aqsa
21 Martyrs Brigade (in the Jenin Province)"

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1 submitted to Fatah Secretary Marwan Barghouti.
 2 Do you see that, sir?
 3 **A. I do.**
 4 Q. And in Footnote 18, you are again
 5 citing this same Military Intelligence report
 6 which we've previously marked as Exhibit Number
 7 195, right?

8 **A. No.**

9 Q. You're not?

10 **A. No. 18 is a different one if you look**
 11 **at the bottom of Page 10. We were just in a**
 12 **report on Jenin, right? 195 is Jenin. And**
 13 **Footnote 18 is something called the Al Aqsa**
 14 **Martyrs Brigade's (on U.S. State Department list**
 15 **of terror organizations), et cetera. Correct?**
 16 **Unless I'm misunderstanding.**

17 Q. No, you're correct.

18 Look if you would, sir, at Page 20 of
 19 Exhibit 195. And there's what purports to be a
 20 translation on Pages 21 to 22, and the question
 21 for you is: Is this the document that you're

1 Q. Okay.

2 **A. One second, if I may.**

3 Q. Sure.

4 (Witness Reviews Document.)

5 **A. Okay. So if you look at the last page**
 6 **of what we've marked 196, there's a list of**
 7 **appendices, and it looks like Document 8 is the**
 8 **same document as the one that you've shown me in**
 9 **what is 195. The document isn't included in what**
 10 **you handed me. It would have been included in**
 11 **the full version, as it is in the full version of**
 12 **195, but it appears that this document was in two**
 13 **different places.**

14 Q. Well, let's look at 195 since it
 15 appears to have the translation of the actual
 16 document.

17 Now, you'll agree with me that the
 18 Arabic which is located on Pages 23 and 24 is
 19 only two pages long, right?

20 **A. That's right.**

21 Q. But the translation, which is Pages

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1 referring to on Page 10 in the last paragraph
 2 there?

3 **A. Do you have a copy of this other**
 4 **report?**

5 Q. I do. I'll mark it for you.

6 **A. Because either this report is included**
 7 **in both these documents, and maybe I referred to**
 8 **that one, or maybe it's just in this one and I**
 9 **have an error in my footnote, but I need to see**
 10 **to be able to -- but it does appear to be at**
 11 **least a version of the document.**

12 (Defendant's Deposition Exhibit Number
 13 196 was marked for identification.)

14 **BY MR. HILL:**

15 Q. So we've shown you what's been marked
 16 as Exhibit Number 196. Is this, in fact, the
 17 report that is referenced in Footnote 18 of your
 18 report?

19 **A. This is part of it, but it doesn't**
 20 **include any of the appendices which are the**
 21 **original documents.**

1 20, 21 and 22, is three pages?

2 **A. Correct.**

3 Q. Does it appear to you that a page is
 4 missing from this report of the original
 5 document?

6 **A. It's possible. Again, I don't know**
 7 **that it was missing in the one that I actually**
 8 **used, which appears to have been the other**
 9 **report.**

10 Q. For the record, we had asked
 11 plaintiffs' counsel to provide the material you
 12 relied on, and I got Exhibit 196, which does not
 13 include the appendices, so that may have been
 14 some goof by somebody here. But while we're
 15 here, let's talk about this document.

16 You agree with me that this document
 17 does not identify who its author is, right?

18 **A. On Page 22, it does not. There's no**
 19 **signature.**

20 Q. And then on Page 21, which is the
 21 IDF/MI's translation, the third full paragraph

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1 after the bullet says, "At the same time, to this
2 day there is no budget (for us) for all this
3 activity." Do you see that?

4 **A. Correct.**

5 Q. And you did not include that quote in
6 your report, did you?

7 **A. I don't think so. Again, I'll take
8 your word for it.**

9 Q. And you don't know whether the
10 insertion of "for us" in the parens is an
11 insertion by the translator or whether that's in
12 the original Arabic, right?

13 **A. My assumption is that it's the
14 translator. That's usually the way this is done.
15 In the United States, we usually use a square
16 bracket.**

17 Q. The final sentence of that paragraph
18 says, "All the expenses of this activity were
19 paid from their own pocket" --

20 **A. I'm sorry, you lost me.**

21 Q. On the third paragraph, last sentence

1 **I'll take your word for it just so we can save
2 some time.**

3 Q. Which is for the record.

4 **A. This is in the period where they're
5 making a case for Fatah to arm Al Aqsa, which
6 until this time has been paying for its own way.
7 Or, as I think we talked a little bit yesterday,
8 has had offers from other militant organizations
9 to fund activities, and Fatah is concerned that
10 if it doesn't start funding, they'll go that way.**

11 **They'll leave their group.**

12 Q. Right. And do you know whether this
13 coincided with a cease-fire?

14 **A. Not offhand, no.**

15 Q. There's no indication that the author
16 of this document has received any money in the
17 past, is there?

18 **A. No.**

19 Q. And there's no indication that the
20 author of this document received any money as a
21 result of this request?

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1 on the third paragraph on 21 says, "All the
2 expenses of this activity were paid from their
3 own pocket (of Al Aqsa Brigades men)." Do you
4 see that?

5 **A. I do.**

6 Q. And, again, you did not include that
7 sentence in your report, right?

8 **A. Correct.**

9 Q. And the insertion of Al Aqsa Brigades
10 men is something that's been added by the IDF/MI
11 translator, correct?

12 **A. That's what I think.**

13 Q. It says at the very bottom of the page
14 that -- the last sentence says, "(It is
15 noteworthy that) there are various moves of
16 elements that oppose us (ready) to invest this
17 money." Do you see that?

18 **A. I do.**

19 Q. And you did not include that sentence
20 in your report either, did you, sir?

21 **A. I don't know. If you're saying no,**

1 **A. All we have here is the request.**

2 Q. And you've not spoken to the author of
3 the document?

4 **A. I have not spoken to the unknown
5 author.**

6 Q. And you've not spoken to Mr. Barghouti
7 about the document?

8 **A. No.**

9 Q. And you have no idea if Mr. Barghouti,
10 in fact, received the document?

11 **A. Correct.**

12 Q. Turn, if you will, to Page 12 of your
13 report.

14 **A. Page 12.**

15 Q. In the first paragraph, you say, in
16 the second sentence, "For example, Israel's
17 Public Security Ministry announced that among the
18 over 100,000 documents seized from the PA's East
19 Jerusalem headquarters, Orient House,
20 investigators found documents showing the PA
21 transferred funds to Fatah, the Tanzim, (another

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1 militant wing of Arafat's Fatah), and its
2 affiliated fighters. The documents - many of
3 which were printed on 'AL-AQSA Martyrs Troops'
4 letterhead - include a July 9th, 2002, letter
5 signed by Arafat sent to Kamil Hmeid, a Fatah
6 leader in Bethlehem." Do you see that, sir?

7 **A. Yes.**

8 Q. Okay. And you are citing there
9 another one of these IDF reports, correct?

10 **A. So it's really two. There's Footnote**
11 **28 and 29.**

12 Q. All right. 28 cites to an IDF report,
13 right?

14 **A. Right. And it's a "for example." I**
15 **think -- we'd have to look, but I think it's**
16 **trying to show an example of the Al Aqsa Martyrs**
17 **Troops' letterhead.**

18 Q. And 29 refers to an Associated Press
19 article, right?

20 **A. Correct.**

21 MR. HILL: Mark that.

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1 (Defendant's Deposition Exhibit Number
2 197 was marked for identification.)

3 BY MR. HILL:

4 Q. I'm showing you what we've marked as
5 Exhibit Number 197. This is the Associated Press
6 article that you're referring to in Footnote 29,
7 right?

8 **A. Is it?**

9 Q. That's the question for you, sir.

10 **A. Well, it's a different title.**
11 **Sometimes they change titles and at the end will**
12 **say this previously appeared in a different**
13 **title. It's the right date, but it's a slightly**
14 **different title.**

15 **The title which you gave me is,**
16 **"Arafat Payed Militant," and what I have is**
17 **"Israel: Document Shows Arafat Paying Militant**
18 **Wanted by Israel."**

19 Q. So you're not sure if this is the same
20 thing or not?

21 **A. Hold on one second. I'm sorry to**

1 **interrupt. There's a subhead on the one you**
2 **provided, "Israel: Arafat Payed Militant."**

3 **So the AP is the source, and AP does**
4 **sometimes change their titles. The likelihood is**
5 **it's probably the same document, but we should go**
6 **through it.**

7 Q. You have never interviewed Mr. Hmeid
8 about this July 9th, 2002 document, have you?

9 **A. No.**

10 Q. And you've also never interviewed
11 President Arafat, right?

12 **A. No.**

13 Q. Have you ever interviewed the author
14 of this AP article?

15 **A. No.**

16 Q. At the bottom of the first page of the
17 AP article, the second from last paragraph says,
18 "'The money we receive is used for political and
19 social activities only,' Hmeid said. Israeli
20 claims that money supports militant activities
21 are propaganda, he added. Do you see that?"

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1 **A. I do.**

2 Q. You did not reference that quote in
3 your report, right?

4 **A. Correct.**

5 Q. Now, this AP report that you cite in
6 Footnote 29 regarding this July 2002 document,
7 the AP report is dated March 2002, right?

8 **A. Correct.**

9 Q. So when your report is referencing
10 this July 9th, 2002 letter signed by Arafat, that
11 is a mistake, right?

12 **A. Yes.**

13 Q. Turn to Page 16 in your report. In
14 the second paragraph on Page 16 of your report --

15 **A. The first full one?**

16 Q. Yeah, the first full paragraph there.
17 The third sentence says, "A July 2001 letter from
18 Kamal Hamid, H-A-M-I-D, Fatah's Bethlehem
19 secretary, to 'The Honorable Brother President
20 Arafat, May God protect you with blessings of the
21 homeland,' requests individual payments of \$2,000

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1 for 24 Fatah members. Arafat's signature dated
2 August 12th, 2001 authorizes the payment of '\$300
3 to each one' of the 24 individuals." Do you see
4 that, sir?

5 **A. I do. It's a tongue twister.**

6 Q. And is this the same Mr. Hamid that we
7 were talking about earlier?

8 **A. It would be.**

9 Q. Is that right? Now, your report
10 indicates that President Arafat signed this
11 document on August 12th, 2001, right?

12 **A. Yes.**

13 Q. Have you ever seen President Arafat
14 sign anything?

15 **A. No.**

16 Q. Do you, in fact, know if that is his
17 signature?

18 **A. Actually, I think at the time I --**
19 **there was a discussion about this, and there were**
20 **a lot of people who verified his signature. I**
21 **could not have done that myself, but that was a**

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1 **topic of kind of journalistic and scholarly**
2 **discussion at the time.**

3 Q. Okay. Can you give me the name of
4 anyone who verified that this signature was, in
5 fact, the signature of President Arafat?

6 **A. I can't. It's also probably one of**
7 **those things, but I also honestly can't tell you**
8 **specifically that it was. It was a topic of**
9 **discussion with Government officials when I would**
10 **try more generally to authenticate these types of**
11 **documents who did have Arafat's signature.**

12 Q. And, again, you can't tell me the name
13 of any person who has told you that this is, in
14 fact, Arafat's signature on this document?

15 **A. No. I honestly can't tell you -- I**
16 **know that I and others discussed this at the**
17 **time. There are places where his signature's**
18 **public. And Oslo Accords and other things are**
19 **places you can compare it to. But, ultimately,**
20 **this is not a forensic, you know, signature**
21 **analysis.**

1 Q. The preceding sentence on Page 16
2 says, "Several documents seized in Operation
3 Defensive Shield, many of which bear Arafat's
4 signature, grant funding requests for the
5 families of suicide bombers and members of the
6 terrorist groups." Do you see that?

7 **A. I do.**

8 Q. Now, was this document that we're
9 talking about, the Hamid letter, seized in
10 Operation Defensive Shield?

11 **A. I believe so. I don't remember**
12 **offhand.**

13 Q. When did Operation Defensive Shield
14 take place?

15 **A. Defensive Shield took place, I think**
16 **it was 2004. It's probably in the report**
17 **somewhere. I apologize. I don't remember**
18 **offhand.**

19 Q. Okay. You would agree with me, in any
20 event, that Operation Defensive Shield took place
21 after July or August of 2001, right?

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1 **A. Yes.**

2 MR. HILL: Let us mark this as our
3 next exhibit, please.

4 (Defendant's Deposition Exhibit Number
5 198 was marked for identification.)

6 BY MR. HILL:

7 Q. Sir, we've just marked Exhibit Number
8 198. This is another one of these IDF/MI
9 reports, right?

10 **A. Yes.**

11 Q. Turn, if you will, to Page 8 of this
12 document, Exhibit Number 198. That page
13 indicates that it's the copy of an original
14 document. Is this the document you're referring
15 to, the July 2001 letter on Page 16 of your
16 report?

17 **A. I believe so.**

18 MR. HORTON: Just so the record is
19 clear: We're referring to the page that appears
20 between 7 and 9. I don't see a Page Number 8 on
21 it. Is that correct?

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1 MR. HILL: Agreed.

2 Q. Now, there is what appears to be a
3 translation, or purports to be a translation of
4 this document on Page 6 and 7 of Exhibit 198,
5 right?

6 A. Correct.

7 Q. And it is, in fact, that translation
8 that you're relying on, right?

9 A. Correct.

10 Q. And you would agree with me that there
11 is nothing in this document that says what the
12 requested payments are for, correct?

13 A. Correct.

14 Q. And you would agree with me that
15 nothing in this document contradicts what Mr.
16 Hamid was quoted in the AP article as saying
17 these payments were for, namely, political and
18 social activities, right?

19 A. There's nothing that says that one way
20 or the other.

21 Q. So nothing contradicts Mr. Hamid's

1 Press.

2 And since this document that we're
3 looking at now doesn't say one way or the other,
4 all we know is that Kamal Hamid said to the
5 Associated Press that the moneys he's asking for
6 are for social purposes. And then we see
7 evidence that he did, in fact, ask for sums of
8 money for people, some of whom are people who are
9 involved in militant activity, and it doesn't say
10 if it was for that militant activity, or if it
11 was for social activity.

12 Q. But you regard this document as
13 evidence that the PA provided funds for
14 terrorism, right?

15 A. This is evidence that the PA provided
16 funds to individuals who are engaged in
17 terrorism.

18 Q. But the document, you agree with me
19 there's no indication of why that money was
20 provided?

21 A. So you're familiar, of course, with

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1 statement that's quoted in the AP, right?

2 A. Neither confirms nor contradicts.

3 Q. And Mr. Hamid, who is quoted in the
4 AP, is the same individual who purportedly wrote
5 this document dated July 2001, right?

6 A. Yes.

7 Q. This is an instance where we actually
8 know what the author says about what he meant,
9 right?

10 A. No.

11 Q. We do not. Why not?

12 A. Because they're in two different
13 places, so we don't know that this document that
14 we're looking at now is part of that social
15 thing, or if this is something else.

16 As we discussed yesterday, it doesn't
17 surprise when someone says to the press, "I'm
18 engaged in legitimate activity." May well have
19 been. But it also is possible that someone was
20 engaged in illegitimate activity and just was
21 smart enough not to say so to the Associated

1 the Material Support Statute, for example, in the
2 United States, where we, like many countries, and
3 presumably the Israelis, too, don't need to
4 demonstrate that if you give material support to
5 someone who's engaged in terrorism, that that is
6 given for -- as if good peace purposes or bad
7 purposes, you're giving money to people who
8 engage in terrorism. That's a problem.

9 Q. I appreciate the answer, Dr. Levitt.
10 It wasn't responsive to my question.

11 A. I thought it was.

12 Q. There's nothing in the document itself
13 that indicates the money was given for terrorism,
14 right?

15 A. There's nothing that indicates that it
16 was or was not. It indicates that money was
17 given to individuals who at the time were engaged
18 in terrorism.

19 Q. Now, your report says both that this
20 document was seized in Operation Defensive Shield
21 and at the Orient House in East Jerusalem, right?

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1 **A. You'll have to show me. I don't know.**

2 Q. Well, on Page 12, the first paragraph,
3 you discuss this document as being seized at the
4 Orient House in East Jerusalem, right?

5 (Witness Reviews Document.)

6 **A. Correct.**

7 Q. And then on Page 16, you discuss this
8 document as being seized in Operation Defensive
9 Shield, right?

10 **A. On page what?**

11 Q. 16.

12 **A. 16?**

13 (Witness Reviews Document.)

14 **A. Correct.**

15 Q. And we've agreed that it couldn't have
16 been seized in Operation Defensive Shield because
17 that happened after the date of the letter,
18 right?

19 MR. HORTON: Objection.

20 **A. No, you're misunderstanding. There's**
21 **no contradiction at all because the raids**

1 **A. If, in fact, that's the case, then**

2 **yes.**

3 Q. Or an alternative explanation is that
4 what purports to be Arafat's signature dated
5 August 12th was added after the seizure, right?

6 **A. What reports to be Arafat's signature**
7 **dated August 12th -- I'm sorry. Give me the date**
8 **again of what you're telling me was the date of**
9 **the Orient House?**

10 Q. Let's try it this way: You would
11 agree with me that if this is an authentic copy
12 of Arafat's signature, he would have signed it
13 before the Orient House was seized if the
14 document was seized at Orient House, right?

15 **A. Correct.**

16 Q. Okay. So assuming Orient House was
17 taken over on August 10th, and assuming this
18 document came from the Orient House, that would
19 mean Arafat's signature was added after the
20 document was seized, right?

21 MR. HORTON: Object to the form.

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1 **happened after the date of the letter, not the**
2 **other way around. Had the letter been dated**
3 **after the raid, it would have not been something**
4 **they could have seized, but this was something**
5 **that was penned what appears to be maybe three**
6 **years earlier or thereabouts, so there were lots**
7 **of, you might call this more historical or older**
8 **documentation that was found during the raids**
9 **later on that presumably were in files or**
10 **something.**

11 Q. Do you know when the Orient House was
12 taken over by the Israeli Government?

13 **A. Not offhand. It may be in the report.**
14 **If not, it's something that's public information.**

15 Q. Assume for these purposes that it was
16 August 10th, 2001.

17 **A. Okay.**

18 Q. Assuming that to be true, you would
19 agree, then, that your statement on Page 10 that
20 this was seized from the Orient House, has to be
21 incorrect, right?

1 **A. Correct.**

2 Q. And you don't have any idea if that's,
3 in fact, what happened?

4 **A. I don't know if that's what happened**
5 **or if there's an error in my report, if it wasn't**
6 **seized at Orient House and I confused the**
7 **documents.**

8 Q. Okay. Look, if you will, again at
9 Exhibit Number 197.

10 **A. Okay.**

11 Q. The sixth paragraph says, "Israeli
12 authorities have been pouring over some 100,000
13 documents seized from Orient House and a
14 neighboring building since they shut down the
15 semi-official Palestinian office in East
16 Jerusalem last August." Do you see that?

17 **A. Yes.**

18 Q. Skip down two paragraphs. "A document
19 recently uncovered by the ministry and given to
20 the Associated Press shows Arafat's signature on
21 a July 9th letter opposing a \$300 payment to Atef

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1 Abayat, a leader of the Al Aqsa Brigades militia
2 in the West Bank town of Bethlehem." Do you see
3 that, sir?

4 **A. I do.**

5 Q. That's the same letter that we're
6 looking in Exhibit Number 198, isn't it?

7 **A. Right. So this report isn't written**
8 **so well, and I should have done it more**
9 **carefully, but so they're talking about stuff**
10 **seized from Orient House, and then the paragraph**
11 **before the one you read, "Some documents show,"**
12 **blah, blah, blah, and then the paragraph you just**
13 **read, "A document recently uncovered by the**
14 **ministry," actually doesn't say if it was**
15 **uncovered by the ministry at Orient House or**
16 **elsewhere, so I should have been more specific**
17 **about that in the way I wrote it in my report.**

18 Q. So not only does this document not say
19 what the money is for, you have no idea where it
20 came from, right?

21 **A. Correct.**

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1 Q. You have no idea if Arafat's signature
2 was added after it was seized by the IDF?

3 **A. Well, that's not possible, is it,**
4 **because Arafat wasn't in their custody, so --**

5 Q. It's possible if somebody faked
6 Arafat's signature, isn't it?

7 **A. I suppose, but that was not -- that's**
8 **never been -- I've never seen that claimed. I**
9 **don't know that to be the case.**

10 Q. On Page 16 of your report, you also
11 describe in the last paragraph, you say,
12 "Included in an IDF report of the documents
13 captured in Defensive Shield is a table
14 summarizing the 'Financing of Fatah/Tanzim and Al
15 Aqsa Brigades Infrastructures and Activities by
16 Arafat and his Aides.' The table lists seven
17 distinct funding requests, five of which were
18 approved by Arafat; Arafat's senior aid and the
19 PA's General Security Apparatus financial head
20 Fuad Shubaki, oversaw the remaining two." Do you
21 see that?

1 THE WITNESS: Do you need that
2 spelled?

3 THE REPORTER: I will have a copy of
4 that to refer to. Thank you.

5 Q. We're handing you what we've marked as
6 Exhibit Number --

7 MR. HILL: Let's go off the record.
8 (Brief Pause.)

9 BY MR. HILL:

10 Q. Dr. Levitt, you cite Footnote 54 for
11 the propositions that I just read, and the
12 citation is to the document that we've marked as
13 Exhibit Number 198, correct?

14 **A. 54, so let's see, that would be an**
15 **appendix to this. Correct.**

16 Q. And if you look at Page 12 of that
17 document, you will see the table that you're
18 referencing, right?

19 **A. Yes.**

20 Q. And the first document in that table
21 is this July 9th, 2001 letter that we've been

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1 discussing for the last little bit, right?

2 **A. Correct.**

3 Q. So your report actually refers to the
4 same letter three different times in three
5 different places, right?

6 **A. Correct.**

7 Q. And in one instance, it calls it a
8 July 2002 letter, and the other two instances, it
9 calls it a July 2001 letter, right?

10 **A. Correct. That appears to be a typo.**

11 Q. It's not transparent on the face of
12 your report that you've referred to the same
13 document three times, right?

14 **A. Why not?**

15 Q. Didn't it just take us a lot of work
16 to figure out that the same thing was cited on
17 three different occasions?

18 **A. I don't think it was that much work.**

19 **I don't think it was being hidden in any way.**

20 **It's just that it was being referred to on three**
21 **different source documents. But other than the**

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<p>1 fact that there's apparently a typo in the date 2 in one, that does make it more complicated. 3 Q. And, in fact, you spelled Mr. Hamid's 4 name differently on two different occasions, 5 didn't you? 6 A. Correct. There is no proper, accurate 7 English translation, transliteration from the 8 Arabic, and so I tried to stick to the spellings 9 that are in each document, and apparently in the 10 documents they're spelled differently, possibly 11 because there's different translators. 12 MR. HILL: Let's mark this. 13 (Defendant's Deposition Exhibit Number 14 199 was marked for identification.) 15 BY MR. HILL: 16 Q. Dr. Levitt, this July 2001 letter from 17 Mr. Hamid that we've been talking about coincided 18 with a cease-fire declared by President Arafat; 19 did it not? 20 A. I'm sorry, you're going to have to 21 point me to what you're referring to.</p>	<p>1 that in July of 2001, President Arafat had 2 declared a cease-fire? 3 A. Yes. 4 Q. And that date does coincide with the 5 letter from Mr. Hamid to Mr. Arafat, right? 6 A. Almost. The letter is July 9th. This 7 is July 18th. I don't know what day of the week 8 that was, this refers to a Thursday or Monday, 9 but it's probably several days after the letter. 10 Q. But it's roughly in the same time 11 frame as a cease-fire, right? 12 A. Well, I don't know what roughly means. 13 It's either shortly before the cease-fire. 14 That's what it appears to be. 15 Q. And the alleged date of Mr. Arafat's 16 signature is when? 17 A. I'm sorry. 18 Q. It's August 12th, right? 19 A. That sounds right. 20 Q. It's on Page 16 of your report, right? 21 A. Of my report. That's even easier.</p>
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<p>1 Q. As a general matter, the July letter 2 from Hamid to Arafat does coincide with Arafat 3 declaring a cease-fire, right? 4 A. I don't remember the dates. There 5 were several cease-fires. 6 Q. Well, look at this article that we've 7 marked as Exhibit Number 199. This is from 8 Haaretz, right? 9 A. Correct. 10 Q. And it's dated July 18th, 2001, right? 11 A. Correct. 12 Q. And it says in the fifth paragraph 13 down, "Yasser Arafat on Thursday night convened 14 an urgent session of the leader of all the 15 Palestinian political factions, in order to 16 emphasize the importance he places on maintaining 17 the cease fire that he declared Monday, and to 18 make clear his determination to see that the 19 cease fire is enforced." Do you see that? 20 A. I do. 21 Q. Does that refresh your recollection</p>	<p>1 I'm sorry. Where are we on Page 16? 2 Q. Page 16, in the first full paragraph, 3 the fourth sentence says, "Arafat's signature 4 dated August 12th, 2001?" 5 A. Yes. 6 Q. So the letter we've been talking about 7 coincides with the declaration of a cease-fire by 8 President Arafat, right? 9 A. The letter predates it. Its 10 consideration, apparently, is over the period of 11 the cease-fire. And the signature, apparently, 12 is either -- I don't know how long the cease-fire 13 went, but it may have come after the cease-fire. 14 Q. Okay. On Page 16, you reference 15 another document between Mr. Hamid and Mr. 16 Arafat, right? And this one's dated November 17 7th, 2001? 18 A. Correct. 19 Q. And look, if you will, at Exhibit 20 Number 198, which I believe also contains this 21 document. Look at Page 9. Is the document that</p>

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<p>1 is translated on Page 9 and 10 the document</p> <p>2 you're referring to on Page 16 of your report?</p> <p>3 A. Yes.</p> <p>4 Q. And the document indicates that Mr.</p> <p>5 Hamid was requesting aid to the families of</p> <p>6 people who had been killed, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And there's no indication that the</p> <p>9 money that was requested here was, in fact, paid,</p> <p>10 right?</p> <p>11 A. Correct.</p> <p>12 Q. All right. And there's no indication</p> <p>13 if that money was paid, what it was used for?</p> <p>14 A. Correct.</p> <p>15 Q. Now, it is true during the second</p> <p>16 Intifada that the Israeli Government assassinated</p> <p>17 people suspected of terrorism, right?</p> <p>18 A. Yes, they --</p> <p>19 Q. On dozens of occasions, right?</p> <p>20 A. I don't know what the number is.</p> <p>21 Sometimes people were killed in battles.</p>	<p>1 Q. It's also true that the Israeli</p> <p>2 Government has imprisoned a number of</p> <p>3 Palestinians who were suspected of terrorism</p> <p>4 during the second Intifada, right?</p> <p>5 A. Correct.</p> <p>6 Q. And it's also true that the Israeli</p> <p>7 Government has imprisoned a number of</p> <p>8 Palestinians who were suspected of funding</p> <p>9 terrorists, right?</p> <p>10 A. I don't know if I can think of a case</p> <p>11 where someone was imprisoned solely for</p> <p>12 financing, which doesn't mean it didn't happened.</p> <p>13 I'm sure it's a violation of their laws. It is</p> <p>14 ours.</p> <p>15 Q. Do you know if Mr. Hamid suffered any</p> <p>16 repercussions for sending the letters that you've</p> <p>17 cited in your report?</p> <p>18 A. I don't know if he suffered</p> <p>19 repercussions, whether for this letter or</p> <p>20 anything else he might have done.</p> <p>21 Q. He wasn't assassinated by the</p>
Page 320	Page 322
<p>1 Sometimes people were targeted, much like the</p> <p>2 U.S. does in different corners of the world as</p> <p>3 well.</p> <p>4 Q. It's also true that the Israeli</p> <p>5 defense forces killed a number of Palestinians</p> <p>6 who were not suspected of terrorism, right?</p> <p>7 A. I don't know the case for the Israelis</p> <p>8 intentionally killed someone who was not</p> <p>9 suspected of terrorism --</p> <p>10 Q. Well, intentionally or not, thousands</p> <p>11 of Palestinians were killed by IDF forces during</p> <p>12 the second Intifada, right?</p> <p>13 A. I don't know what the numbers are.</p> <p>14 And I don't know, of those purported thousands,</p> <p>15 how many of them were innocents, that people were</p> <p>16 incidentally killed tragically, I'm sure.</p> <p>17 Q. Regardless of the numbers, there were</p> <p>18 some Palestinians that were killed by the IDF who</p> <p>19 were not suspected of being terrorists during the</p> <p>20 second Intifada, right?</p> <p>21 A. Possibly. I don't know.</p>	<p>1 Israelis, as far as you know?</p> <p>2 A. I don't recall.</p> <p>3 Q. He wasn't imprisoned by the Israelis,</p> <p>4 as far as you know?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you know whether he is, today, the</p> <p>7 Governor of Hebron?</p> <p>8 A. Not offhand.</p> <p>9 MR. HILL: Why don't we break here for</p> <p>10 lunch.</p> <p>11 (Thereupon, a luncheon recess was</p> <p>12 taken at 11:56 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>

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<p>1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N</p> <p>2 (1:04 p.m.)</p> <p>3 BY MR. HILL:</p> <p>4 Q. Dr. Levitt, you understand that you're</p> <p>5 still under oath?</p> <p>6 A. Yes.</p> <p>7 Q. Did you speak with anyone about your</p> <p>8 testimony over the lunch break?</p> <p>9 A. No. I asked counsel if he and I could</p> <p>10 speak about it, and he said he didn't know, so I</p> <p>11 did not.</p> <p>12 Q. Apart from you asking him if you could</p> <p>13 talk to him and him saying he didn't know, there</p> <p>14 was no other conversation about your testimony?</p> <p>15 A. No.</p> <p>16 Q. On Page 12 of your report, which you</p> <p>17 should have in front of you.</p> <p>18 A. Page 12?</p> <p>19 Q. Yes, sir. In the second paragraph,</p> <p>20 you in the second sentence say, "For example, a</p> <p>21 poster of Majdi Musa Tayb Jaradat features the</p>	<p>1 Page 9 of Exhibit 200, correct?</p> <p>2 A. Page 9 of Exhibit 200 does not appear</p> <p>3 to be it.</p> <p>4 Q. So just for the record, Footnote 30</p> <p>5 does refer to Page 9 of Exhibit 200, right?</p> <p>6 A. One second. It does.</p> <p>7 Q. Okay. And that's an incorrect</p> <p>8 citation, right?</p> <p>9 A. Yes.</p> <p>10 Q. That's a mistake in the report?</p> <p>11 A. Correct.</p> <p>12 Q. So look, if you will, at Pages 15 and</p> <p>13 16 of Exhibit 200.</p> <p>14 A. 15 and 16, yes.</p> <p>15 Q. Isn't that, in fact, the poster that</p> <p>16 you're referring to on Page 12 of your report and</p> <p>17 Footnote 30?</p> <p>18 A. That appears to be it, yes. So I have</p> <p>19 the page number wrong there.</p> <p>20 Q. Okay. And your report indicates that</p> <p>21 the importance of this document is that it has a</p>
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<p>1 logos of both Fatah and the AAMB and reads, 'The</p> <p>2 National Palestinian Liberation Movement, Fatah,</p> <p>3 and its military wing, the 'Al Aqsa Martyrs</p> <p>4 Brigades' in Palestine, is extorting its</p> <p>5 casualty, the commander on his last trip.'" Do</p> <p>6 you see that, sir?</p> <p>7 A. I do.</p> <p>8 Q. And you refer in Footnote 30 of your</p> <p>9 report to, I believe it is Exhibit Number 198,</p> <p>10 the document we previously looked at from the</p> <p>11 IDF, right?</p> <p>12 (No Response.)</p> <p>13 MR. HILL: Let's mark this one.</p> <p>14 (Defendant's Deposition Exhibit Number</p> <p>15 200 was marked for identification.)</p> <p>16 BY MR. HILL:</p> <p>17 Q. Dr. Levitt, let me show you what we've</p> <p>18 marked as Deposition Exhibit 200, which may, in</p> <p>19 fact, be the document referenced in Footnote 30</p> <p>20 of your report.</p> <p>21 Footnote 30 of your report refers to</p>	<p>1 logo from Fatah and the AAMB, right?</p> <p>2 A. Yes, that it's one document with both</p> <p>3 logos on it.</p> <p>4 Q. And the Fatah logo is a well-known</p> <p>5 logo, right?</p> <p>6 A. To some. Probably not to the average</p> <p>7 person here on G Street.</p> <p>8 Q. You could Google it and find it,</p> <p>9 right?</p> <p>10 A. You could.</p> <p>11 Q. You don't have any idea who made this</p> <p>12 document, right?</p> <p>13 A. No.</p> <p>14 Q. You don't have any idea if anyone</p> <p>15 associated with Fatah authorized putting their</p> <p>16 logo on this document?</p> <p>17 A. No.</p> <p>18 Q. And you would agree with me that</p> <p>19 anyone with a computer and the necessary software</p> <p>20 could have created this poster?</p> <p>21 A. I'm not in the poster business. It is</p>

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<p>1 probably something that requires more than your</p> <p>2 home computer. These were large, glossy posters,</p> <p>3 not something you'd print on your eight and a</p> <p>4 half by eleven. But someone could have it done.</p> <p>5 Q. It doesn't necessarily follow that</p> <p>6 just because the Fatah logo was on a poster, that</p> <p>7 it was authorized by Fatah, right?</p> <p>8 A. I can't tell you that it was</p> <p>9 authorized. What I can tell you is that posters</p> <p>10 like this were very prominent, and it's not like</p> <p>11 Fatah protested or took them down, either.</p> <p>12 Q. Right. So you would agree with me,</p> <p>13 sir, that you have no idea whether anyone at</p> <p>14 Fatah authorized including this logo on this</p> <p>15 poster?</p> <p>16 MR. HORTON: Object to the form.</p> <p>17 A. I couldn't say.</p> <p>18 Q. On Page 12, you also reference what</p> <p>19 you describe as a certificate of appreciation for</p> <p>20 the "fighting brother," Mahmud, M-A-H-M-U-D,</p> <p>21 Jabari, J-A-B-A-R-I. Do you see that?</p>	<p>1 A. Yes.</p> <p>2 Q. And would you agree with me that on</p> <p>3 this copy, at least, that is completely</p> <p>4 illegible?</p> <p>5 A. I wouldn't say, "completely</p> <p>6 illegible," but it's very small. It is hard to</p> <p>7 read.</p> <p>8 Q. And you would agree with me that you</p> <p>9 don't have any way of knowing whether anyone at</p> <p>10 Fatah authorized the creation of that stamp?</p> <p>11 A. Correct.</p> <p>12 Q. You don't know whether anyone at Fatah</p> <p>13 authorized the affixing of that stamp to this</p> <p>14 document?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And, in fact, you don't have</p> <p>17 any idea who created this document, do you?</p> <p>18 A. Correct.</p> <p>19 Q. And you would agree with me that</p> <p>20 anyone with the necessary computer or print shop</p> <p>21 capabilities could have made a document that</p>
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<p>1 A. Yes.</p> <p>2 Q. And, again, the importance of this</p> <p>3 particular certificate is that it has what you</p> <p>4 describe as a hybrid Fatah/AAMB stamp, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And in Footnote 31, you reference Page</p> <p>7 9 of Exhibit 200.</p> <p>8 A. Hopefully, I got it right this time.</p> <p>9 There we go.</p> <p>10 Q. And Page 9 does, in fact, contain the</p> <p>11 translation provided by the IDF of the</p> <p>12 certificate you're referring to, right?</p> <p>13 A. Correct.</p> <p>14 Q. And if you look at Page 10, that is</p> <p>15 what purports to be the original of the</p> <p>16 certificate, right?</p> <p>17 A. Yes.</p> <p>18 Q. Would you agree with me that the stamp</p> <p>19 that you're referencing as a hybrid Fatah/AAMB</p> <p>20 stamp is the thing that appears in the lower</p> <p>21 left-hand corner?</p>	<p>1 looks like this, right?</p> <p>2 A. Again, I don't know if they could have</p> <p>3 done this on the computer, but you probably could</p> <p>4 have had it done.</p> <p>5 Q. Also on Page 12 of your report, you</p> <p>6 reference a letter from AAMB members to Marwan</p> <p>7 Barghouti.</p> <p>8 A. Last paragraph?</p> <p>9 Q. In the last paragraph of Page 12,</p> <p>10 right?</p> <p>11 A. Yes.</p> <p>12 Q. And, again, you refer to the fact that</p> <p>13 this letter has what you describe as a hybrid</p> <p>14 stamp of Fatah and the AAMB, right?</p> <p>15 A. Correct.</p> <p>16 Q. Then in Footnote 33, you cite to Page</p> <p>17 17 of Exhibit Number 200, right?</p> <p>18 (Witness Reviews Document.)</p> <p>19 A. Correct.</p> <p>20 Q. And in this instance, on Page 17, we</p> <p>21 have a translation of what purports to be this</p>

<p style="text-align: right;">Page 331</p> <p>1 letter, right?</p> <p>2 A. Correct.</p> <p>3 Q. But in this instance, do we have a</p> <p>4 copy of the original document?</p> <p>5 A. I believe that's what follows on 18.</p> <p>6 Q. And, again, you would agree with me</p> <p>7 that what you're referring to as the joint stamp</p> <p>8 is in the lower left-hand corner?</p> <p>9 A. That's right.</p> <p>10 Q. And just like the stamp we were</p> <p>11 talking about previously, you don't have any idea</p> <p>12 who made this or whether Fatah authorized it,</p> <p>13 right?</p> <p>14 A. Correct.</p> <p>15 Q. And you also don't have any idea who</p> <p>16 wrote this letter?</p> <p>17 A. Correct.</p> <p>18 Q. And you don't have any idea whether</p> <p>19 Mr. Barghouti actually received this letter,</p> <p>20 right?</p> <p>21 A. Correct.</p>	<p style="text-align: right;">Page 333</p> <p>1 letter in the specific southern area at this</p> <p>2 particular time, and suggests that they are</p> <p>3 looking to create one.</p> <p>4 Q. On Page 19 of your report -- I'm</p> <p>5 sorry, Page 13 of your report.</p> <p>6 A. Okay.</p> <p>7 Q. You refer to a poster of Firas,</p> <p>8 F-I-R-A-S, Sabhi, S-A-B-H-I, Ja'aber, J-A</p> <p>9 apostrophe A-B-E-R, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And this particular poster appears on</p> <p>12 Page 19 of Exhibit 200, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And you indicate that this poster</p> <p>15 indicates ties between the AAMB and Fatah because</p> <p>16 Mr. Ja'aber is pictured on the poster wearing an</p> <p>17 AAMB kafiyya, K-A-F-I-Y-Y-A. Do you see that,</p> <p>18 sir? This is on Page 13 of your report.</p> <p>19 A. Right, I see it there. I'm not sure</p> <p>20 this is the right poster.</p> <p>21 Q. Well, let me pose a question, sir:</p>
<p style="text-align: right;">Page 332</p> <p>1 Q. Now, in the text of the letter on Page</p> <p>2 17 of Exhibit 200, the IDF translation says, "We,</p> <p>3 in the Al Aqsa Martyrs Brigades, Southern Area,</p> <p>4 request of you to cooperate with the brother</p> <p>5 carrying this letter, since we have requested him</p> <p>6 to establish a communications channel between us</p> <p>7 and yourself, so that we can handle several</p> <p>8 complicated problems that arose in our sector of</p> <p>9 the struggle, at this stage of our national</p> <p>10 period." Do you see that?</p> <p>11 A. I do.</p> <p>12 Q. Now, you did not quote that language</p> <p>13 in your report, right?</p> <p>14 A. Correct.</p> <p>15 Q. Would you agree with me that the fact</p> <p>16 that this purports to be requesting that a</p> <p>17 communication channel be established, suggests</p> <p>18 that there was not a prior communications</p> <p>19 channel?</p> <p>20 A. It suggests that there's not a prior</p> <p>21 communication channel between whoever wrote the</p>	<p style="text-align: right;">Page 334</p> <p>1 The text I just read you from Paragraph 13 is</p> <p>2 associated with Footnote 35, right?</p> <p>3 A. The text you just read me is Footnote</p> <p>4 35, yes.</p> <p>5 Q. Right. And Footnote 35 refers to the</p> <p>6 document that we've marked as Exhibit 200, the</p> <p>7 IDF/MI report, called the Al Aqsa Martyrs</p> <p>8 Brigade, and the Fatah organization are one and</p> <p>9 the same, and Yasser Arafat is their leader and</p> <p>10 commander, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And Footnote 35 refers to Pages 15 to</p> <p>13 16 of Exhibit 200?</p> <p>14 A. Correct.</p> <p>15 Q. And when we look at Pages 15 and 16 of</p> <p>16 Exhibit 200, it is not the poster of Mr. Ja'aber,</p> <p>17 right?</p> <p>18 A. Correct.</p> <p>19 Q. That is, instead, the poster of Mr.</p> <p>20 Jaradat?</p> <p>21 A. Correct.</p>

<p style="text-align: right;">Page 335</p> <p>1 Q. So that's another error in the report?</p> <p>2 A. Correct.</p> <p>3 Q. Is the poster that appears on Page 19</p> <p>4 of Exhibit 200, the poster of Mr. Ja'aber that</p> <p>5 you're referring to on Page 13 of your report?</p> <p>6 A. That is the poster of Mr. Ja'aber, and</p> <p>7 the kafiyya is the one that's in the other one.</p> <p>8 I seem to have conflated the two.</p> <p>9 Q. So there's not only a mistake in the</p> <p>10 citation of the report? There's a mistake in</p> <p>11 which poster you're talking about?</p> <p>12 A. That's possible.</p> <p>13 Q. So are you now saying, sir, that the</p> <p>14 kafiyya that you're referring to on Page 13, is</p> <p>15 actually in the poster of Mr. Jaradat on Page 16</p> <p>16 of the IDF report?</p> <p>17 A. Just give me a minute, please, because</p> <p>18 it might have been a different picture.</p> <p>19 Well, the pictures are confused,</p> <p>20 that's clear, but I don't know if the picture</p> <p>21 that I was referring to is the one that's on 16</p>	<p style="text-align: right;">Page 337</p> <p>1 specific to them on it.</p> <p>2 Q. And what does the Al Aqsa Martyrs</p> <p>3 Brigade kafiyya say?</p> <p>4 A. I couldn't remember without seeing it</p> <p>5 in front of me.</p> <p>6 Q. And, in fact, based on the IDF report</p> <p>7 that we've looked at, you can't even figure out</p> <p>8 which picture the person is wearing it in, can</p> <p>9 you?</p> <p>10 A. There's clearly an error in the</p> <p>11 citations here, yes.</p> <p>12 Q. All right. You, again, mention that</p> <p>13 the poster of Mr. Ja'aber, which is on Page 19,</p> <p>14 has what you describe as Fatah and AAMB seals on</p> <p>15 it, right?</p> <p>16 A. Correct.</p> <p>17 Q. And, again, as we've discussed, anyone</p> <p>18 could have put those on there? There's no</p> <p>19 indication that was approved by Fatah, right?</p> <p>20 A. I couldn't say.</p> <p>21 Q. There's nothing on the document that</p>
<p style="text-align: right;">Page 336</p> <p>1 here. The copy that we have here is of very poor</p> <p>2 quality. There's a lot of dark ink, so I can't</p> <p>3 tell if he's wearing a kafiyya here or just a</p> <p>4 headband.</p> <p>5 Q. What is a kafiyya?</p> <p>6 A. A kafiyya is a head covering. It's</p> <p>7 like a scarf. It's a traditional, especially</p> <p>8 Palestinian, not only Palestinian, head covering,</p> <p>9 and you can wrap it around your head and -- it</p> <p>10 doesn't do me much good to signal without saying</p> <p>11 it, does it? You wrap it around your head and</p> <p>12 then you have something that goes around the top</p> <p>13 of your head to hold it in place.</p> <p>14 Q. What distinguishes an AAMB kafiyya</p> <p>15 from another type of kafiyya?</p> <p>16 A. Some kafiyyas would have logos printed</p> <p>17 on them. Most are just kind of black checker on</p> <p>18 white, or sometimes red checker on white, and</p> <p>19 sometimes you'd have some printed matter on them.</p> <p>20 So sometimes groups like Al Aqsa, but not only,</p> <p>21 would kind of print up ones that had material</p>	<p style="text-align: right;">Page 338</p> <p>1 indicates it was approved by Fatah?</p> <p>2 A. No.</p> <p>3 Q. Also on Page 13 of your report, you</p> <p>4 refer to, in the third paragraph on that page, a</p> <p>5 letter regarding, "The general situation among</p> <p>6 armed Fatah personnel in the District." Do you</p> <p>7 see that, sir?</p> <p>8 A. Yes.</p> <p>9 Q. And then you proceed to quote from</p> <p>10 that document, and in Footnote 36 you refer to</p> <p>11 yet another IDF report, right?</p> <p>12 A. Correct.</p> <p>13 MR. HILL: Let's mark this.</p> <p>14 (Defendant's Deposition Exhibit Number</p> <p>15 201 was marked for identification.)</p> <p>16 BY MR. HILL:</p> <p>17 Q. Dr. Levitt, I've handed you what we've</p> <p>18 marked as Exhibit 201, which is yet another one</p> <p>19 of these IDF/MI reports. This one's called, "The</p> <p>20 Palestinian Authority Employs Fatah Activists</p> <p>21 Involved in Terrorism and Suicide Attacks,"</p>

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<p>1 correct?</p> <p>2 A. That's what it says.</p> <p>3 Q. And that's the document that's cited</p> <p>4 in Footnote 36 of your report, right?</p> <p>5 A. Let me just check because it's citing</p> <p>6 to one of the appendices. Correct.</p> <p>7 Q. And then if you look on Page 29 of</p> <p>8 Exhibit 201, we will find the material that you</p> <p>9 have quoted from in your report, right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Now, according to Page 28 of</p> <p>12 the IDF report, this is a translation of</p> <p>13 something they have called Document 8, and it</p> <p>14 says, "Excerpts from a document of the General</p> <p>15 Intelligence Apparatus in the West Bank." Do you</p> <p>16 see that, sir?</p> <p>17 A. Yes.</p> <p>18 Q. And you would agree with me that this</p> <p>19 is only a portion of the underlying Arabic</p> <p>20 document that's been translated here?</p> <p>21 A. Correct.</p>	<p>1 Q. Okay. Well, you quote this document,</p> <p>2 sir, for the proposition that, "Al Daruch refers</p> <p>3 to AAMB as 'the arms bearers of Fatah' and makes</p> <p>4 note of those 'arms bearers...who stand out in</p> <p>5 their...affiliation to Fatah'." Do you see that,</p> <p>6 sir?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And you're quoting</p> <p>9 language from Page 29 of the IDF report, right?</p> <p>10 A. Correct.</p> <p>11 Q. Sir, you would agree with me that when</p> <p>12 we look at the document itself, or at least the</p> <p>13 translation of the portions of the document the</p> <p>14 IDF has provided us on Page 29, that the acronym</p> <p>15 AAMB, or the words Al Aqsa Martyrs Brigade,</p> <p>16 appears only within parentheses, right?</p> <p>17 (Witness Reviews Document.)</p> <p>18 A. Correct.</p> <p>19 Q. Okay. So when you say that Al Daruch</p> <p>20 refers to the AAMB, actually, Al Daruch doesn't</p> <p>21 refer to the AAMB at all, does he?</p>
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<p>1 Q. And you would also agree with me that</p> <p>2 this particular report does not include the</p> <p>3 Arabic original document?</p> <p>4 A. Not in the version we have here, no.</p> <p>5 Q. Do you believe you've ever seen a</p> <p>6 complete translation of the entire document?</p> <p>7 A. I don't recall.</p> <p>8 Q. Would it be important for you to read</p> <p>9 the entire document so you could understand the</p> <p>10 context of the document before you relied on it</p> <p>11 to support your opinions in the case?</p> <p>12 A. It would be preferable. It's not</p> <p>13 necessarily mandatory.</p> <p>14 Q. Does it give you any pause to rely on</p> <p>15 only the portions of the document that were</p> <p>16 selected by the IDF Military Intelligence group?</p> <p>17 A. Noting that they're excerpts, I would</p> <p>18 have preferred to have had the whole document.</p> <p>19 But what it has is -- there's no reason to</p> <p>20 question what's in there. It would have been</p> <p>21 better to have the whole document.</p>	<p>1 A. Al Daruch refers to prominent members</p> <p>2 of the AAMB, so he's referring to their</p> <p>3 personnel. He doesn't refer to the name of the</p> <p>4 group. But if you are talking about a bunch of</p> <p>5 baseball players who are all on the Yankees, I'll</p> <p>6 know you're talking about the Yankees in the</p> <p>7 context of what you're discussing. Here, too,</p> <p>8 Nasser Awis in particular, there are names</p> <p>9 throughout here that are clearly Al Aqsa Martyrs</p> <p>10 personnel.</p> <p>11 Q. Okay. It's not transparent from your</p> <p>12 report, sir, that you have inferred that Al</p> <p>13 Daruch is talking about the AAMB, right?</p> <p>14 A. Well, I don't know if -- I mean, I</p> <p>15 wouldn't agree with the way you're putting this,</p> <p>16 that there's some type of vague reference here.</p> <p>17 But, no, I write, "Al Daruch refers to</p> <p>18 AAMB." It could have been clear and said</p> <p>19 something like, "Al Daruch refers to AAMB</p> <p>20 personnel," which is or are people who are known</p> <p>21 to be AAMB.</p>

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<p>1 Q. In the next sentence, you write, "He 2 also notes, 'The concept developed whereby the 3 arms bearers [i.e. AAMB] of the Fatah constitute 4 first and foremost a support for the Palestinian 5 Authority and its security apparatuses'." Do you 6 see that, sir?</p> <p>7 A. Yes.</p> <p>8 Q. And that language also appears without 9 the bracket on Page 29, right?</p> <p>10 A. On Page 29? 11 (Witness Reviews Document.)</p> <p>12 A. Oh, I see. Yes.</p> <p>13 Q. And so you added, "I.e. AAMB," in the 14 bracket on Page 13, right?</p> <p>15 A. Yes, obviously, because of the nature 16 of the brackets, the hard brackets.</p> <p>17 Q. And, again, Mr. Al Daruch, he doesn't 18 use the phrase AAMB anywhere in this document 19 that you can find, right?</p> <p>20 A. Correct.</p> <p>21 Q. You have not spoken to Mr. Al Daruch</p>	<p>1 Q. All right. Right before the sentence 2 you quote in your report on Page 29, you write, 3 "Between the arms bearer" --</p> <p>4 A. I'm sorry. I'm sorry. On 29 or 13?</p> <p>5 Q. Let me rephrase. On Page 29 of 6 Exhibit 201, the IDF translation says in the 7 paragraph after the paragraph marked C, "Between 8 the arm bearers (of Fatah) and the security 9 apparatuses in the District (Tulkarm) several 10 problems arose. In some cases, this reached a 11 complete breakdown of relations (between the 12 security apparatuses and) the arms bearers and 13 lack of (joint) work with them." Do you see 14 that, sir?</p> <p>15 A. Yes.</p> <p>16 Q. First of all, the stuff in parentheses 17 is stuff added by the Israeli Government 18 translator, right?</p> <p>19 A. Yes.</p> <p>20 Q. And then you did not include that 21 sentence in your report?</p>
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<p>1 about what he was talking about here, have you?</p> <p>2 A. No.</p> <p>3 Q. You haven't spoken to Mr. Tirawi, to 4 whom this is addressed, about what was meant in 5 this document, right?</p> <p>6 A. No.</p> <p>7 Q. You're purporting to tell us what the 8 alleged Palestinian author of this document meant 9 when he wrote it, right?</p> <p>10 A. I'm putting it in context. 11 So, again, if you talk about a list of 12 people who are all affiliated with an 13 organization and you don't mention the name of 14 the organization, it's still clear who you're 15 talking about, right? 16 If you talk about a bunch of Yankees 17 players, you're clearly not talking about the 18 Redsox dugout. 19 So I make it clear that I am adding 20 this in and I don't purport to say that this is 21 what he said.</p>	<p>1 A. Correct.</p> <p>2 Q. Did you have someone look at that 3 sentence and see whether that was a fair English 4 rendering of what had been written in Arabic?</p> <p>5 A. I don't recall.</p> <p>6 Q. I've had another translator look at 7 this. I'd like to show you the translation I got 8 and see if it makes a difference to your opinion.</p> <p>9 MR. HILL: Let's mark this. 10 (Defendant's Deposition Exhibit Number 11 202 was marked for identification.) 12 BY MR. HILL: 13 Q. So I'm showing you Exhibit Number 202, 14 which is a English translation of the Arabic 15 document which is attached thereto. 16 Sir, does this appear to be the same 17 document that is partially translated in the IDF 18 report which is Number 201?</p> <p>19 A. I'll have to take your word for it. 20 201, this version of it doesn't include the 21 Arabic. What you gave me does, which suggests</p>

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1 **it's out there. And this is someone's**
 2 **translation of what looks to be fairly similar,**
 3 **yeah.**

4 Q. Well, if you'll look at the bottom of
 5 the second page of the English, you will see this
 6 translator's version of what we just read from
 7 the IDF report on Page 29. The translation
 8 that's contained in 202 says, "A number of
 9 problems occurred between armed militias and the
 10 security forces in the District. The attitude of
 11 the militia during these problems was an attitude
 12 of defiance and debauchery. This formed a
 13 negative view by some brothers in the security
 14 forces towards to the militias to the point where
 15 they boycotted them and absolutely refused to
 16 deal with them. At this time, the view collapsed
 17 that the arms bearers of Fatah, first and
 18 foremost constitute a pillar and a support to the
 19 PA and its security forces. What is odd in this
 20 matter is that the militias unite with each other
 21 to face any problems they have with the security

1 right?

2 **A. It is.**

3 Q. And you would agree with me that you
 4 also cannot recollect whether you've seen a
 5 translation similar to the one we've just marked
 6 as Exhibit 202, prior to today?

7 **A. I'm sure I did not.**

8 Q. Does the translation that we've shown
 9 you as Exhibit 202 change your opinion in any
 10 fashion in this case?

11 **A. Well, in a situation like this -- and**
 12 **it's not at all uncommon with translations,**
 13 **especially from Arabic, where two translators can**
 14 **come up with not just slightly different**
 15 **variations, but very different translations that**
 16 **change the meaning -- I'd want certainly a third**
 17 **opinion.**

18 **But in your hypothetical, if this were**
 19 **to be determined to be the most accurate opinion,**
 20 **what it does is change the way I would have used**
 21 **this material, to demonstrate that there were**

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1 forces; in addition, they all resort to brother
 2 'Hafes' to lead in managing such events and when
 3 the problem ends, they all return to their
 4 accustomed divisions and factions." Do you see
 5 that, sir?

6 **A. I do.**

7 Q. All right. You are citing this
 8 document as evidence that there's co-operation
 9 between the PA and these militants, right?

10 **A. There's a relationship.**

11 Q. And, in fact, this translation that
 12 I've just read to you suggests that the nature of
 13 the relationship is that the militants are
 14 opposed to the PA security forces, right?

15 **A. It demonstrates that there were times**
 16 **when they were opposed, yes. And we've talked**
 17 **about this. There were times of fluctuation for**
 18 **sure.**

19 Q. You would agree that the difference in
 20 the two translations we've looked at here is
 21 material to the meaning of the Arabic document,

1 **times when the Palestinian militias were out of**
 2 **favor with the Palestinian security services, and**
 3 **there were times when they were not, when they**
 4 **worked together in tandem, which, in fact, was**
 5 **the case.**

6 Q. This document doesn't say they worked
 7 together in tandem, does it?

8 **A. You didn't ask -- you asked would it**
 9 **have made a difference and how would I have used**
 10 **it differently. So that's how I would have used**
 11 **it differently, and then I would have gone on to**
 12 **use other materials to show how they did work**
 13 **together.**

14 Q. On Page 15 of your report, in the
 15 third paragraph on that page, the second sentence
 16 refers to, or says, "The seized documents include
 17 a letter dated September 16th, 2001, from
 18 'Palestinian Al Aqsa Martyrs Brigades' to Shubaki
 19 requesting funds for electrical and chemical
 20 materials to manufacture explosives." Do you see
 21 that, sir?

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<p>1 A. I do.</p> <p>2 Q. And then Footnote 44 refers to another</p> <p>3 Israeli Government report, right?</p> <p>4 A. Correct.</p> <p>5 Q. And this one is prepared by a team</p> <p>6 headed by somebody called Danny Naveh, N-A-V-E-H,</p> <p>7 right?</p> <p>8 A. I'm sorry, I just lost my place.</p> <p>9 There we are. Yes.</p> <p>10 I'm sorry, I didn't hear if you said</p> <p>11 if this was another military or Israeli. It's</p> <p>12 Israeli. This one appears not to be military.</p> <p>13 Q. Right.</p> <p>14 MR. HILL: Let's mark this one.</p> <p>15 (Defendant's Deposition Exhibit Number</p> <p>16 203 was marked for identification.)</p> <p>17 BY MR. HILL:</p> <p>18 Q. Footnote 44 doesn't give us a pinpoint</p> <p>19 site within the document. I'd ask you to look at</p> <p>20 Pages 19 and 20 and tell me if that is the</p> <p>21 document that you're referring to in the text</p>	<p>1 enlarge original document in Arabic?"</p> <p>2 A. Correct.</p> <p>3 Q. And then you understand that what's</p> <p>4 described in English in the report as Document</p> <p>5 Number 2, purports to be a translation of that</p> <p>6 document?</p> <p>7 A. Correct.</p> <p>8 Q. Now, you say in your report that this</p> <p>9 letter is to someone named Shubaki. Who is</p> <p>10 Shubaki?</p> <p>11 A. Shubaki was a financial officer close</p> <p>12 to Yasser Arafat. He was involved with</p> <p>13 financing, among other things, purchase of</p> <p>14 weapons.</p> <p>15 Q. You would agree with me that the</p> <p>16 English translation provided by the Israeli</p> <p>17 Government on Pages 19 and 20 of this document,</p> <p>18 does not contain the word Shubaki?</p> <p>19 A. Correct.</p> <p>20 Q. So what's the basis for you saying in</p> <p>21 your report that this was to Shubaki?</p>
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<p>1 associated with Footnote Number 44?</p> <p>2 (Witness Reviews Document.)</p> <p>3 A. Yes.</p> <p>4 Q. Now, this Page 19 does have what</p> <p>5 appears to be a very small version of a</p> <p>6 handwritten document printed on it, right?</p> <p>7 A. Right. Next to the previous document,</p> <p>8 not the one that we're discussing right now. At</p> <p>9 least in my version.</p> <p>10 Q. So which page is the Arabic version of</p> <p>11 the document that's referenced in connection with</p> <p>12 Footnote 44 of your report?</p> <p>13 A. It looks to me like that's -- if you</p> <p>14 go down further on Page 19, it says Document</p> <p>15 Number 2. Do you see that?</p> <p>16 Q. Okay. So the Arabic version of what</p> <p>17 we're talking about on Page 15 of your report</p> <p>18 associated with Footnote 44, is the document that</p> <p>19 appears in very small script on Page 20, right?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. And that's where it says, "Click to</p>	<p>1 A. The introduction, if you go back to</p> <p>2 Page 18 of Exhibit 203, the bottom of the page is</p> <p>3 a subhead, Examples of the Involvement of PA</p> <p>4 Apparatuses and Arms Procurement, and it begins,</p> <p>5 "In a letter addressed to Fuad Shubaki (Arafat's</p> <p>6 crony and confidant)," et cetera, et cetera.</p> <p>7 Q. But you would agree with me, sir, that</p> <p>8 the actual translation is not addressed to Mr.</p> <p>9 Shubaki?</p> <p>10 A. The translation is not addressed to</p> <p>11 anybody. It appears to be something that was</p> <p>12 part of a larger, maybe, collection of documents</p> <p>13 with this letter. It's a list. It's just a</p> <p>14 list. So, you now, if you received a list of</p> <p>15 anything in isolation, it probably wouldn't make</p> <p>16 much sense. Presumably, this came as part of</p> <p>17 something that was addressed to Fuad Shubaki, as</p> <p>18 it's explained here.</p> <p>19 Q. Sir, are you certain that what's being</p> <p>20 described at the bottom of Page 18, is the same</p> <p>21 document that is labeled as Document Number 2 on</p>

<p style="text-align: right;">Page 355</p> <p>1 19?</p> <p>2 A. That was my understanding.</p> <p>3 Q. Is it still your understanding now</p> <p>4 that you've read it again?</p> <p>5 A. Well, these are the only two documents</p> <p>6 that are included in this one subhead, so the</p> <p>7 implication is that these two documents came</p> <p>8 together in this letter to Fuad Shubaki.</p> <p>9 Q. But that's an implication you're</p> <p>10 drawing from something the Israeli Government</p> <p>11 wrote, right?</p> <p>12 A. This is something from the Israeli</p> <p>13 Government, yes.</p> <p>14 Q. That's not an implication you can draw</p> <p>15 from the documents themselves?</p> <p>16 A. The documents themselves don't include</p> <p>17 the letter to Shubaki, just the two apparent</p> <p>18 attachments.</p> <p>19 Q. So you're taking the Israeli</p> <p>20 Government's word for it that these documents</p> <p>21 were addressed to Shubaki?</p>	<p style="text-align: right;">Page 357</p> <p>1 A. I have not.</p> <p>2 Q. All right. So you're prepared to take</p> <p>3 the Danny Naveh's report's word for it that</p> <p>4 Document Number 2 on Page 19 was, in fact,</p> <p>5 addressed to Fuad Shubaki?</p> <p>6 A. I have no reason to doubt it.</p> <p>7 Q. How about the fact that the document</p> <p>8 doesn't say so, is that a reason to doubt it?</p> <p>9 A. Again, we're rehashing what we've</p> <p>10 already covered.</p> <p>11 What it says is it includes two</p> <p>12 examples of attachments, which are presented</p> <p>13 under one subhead, and a very organized document.</p> <p>14 Everything is clued into some subhead. These two</p> <p>15 are presented in a subhead that begins, "In a</p> <p>16 letter addressed to Fuad Shubaki."</p> <p>17 Q. Right. But you would agree, sir, that</p> <p>18 the letter addressed to Fuad Shubaki, described</p> <p>19 on Page 18, is not among the documents on Page 19</p> <p>20 or 20, right?</p> <p>21 A. That's right, as you asked and I</p>
<p style="text-align: right;">Page 356</p> <p>1 A. Yes.</p> <p>2 Q. Do you believe that that's an</p> <p>3 appropriate thing for you to do given the Israeli</p> <p>4 Government's obvious interest in this issue?</p> <p>5 MR. HORTON: Object to form.</p> <p>6 A. The Israeli Government has an interest</p> <p>7 in this issue, of course. It also has an</p> <p>8 interest in its public relations and making this</p> <p>9 part of its public relations and doing so in a</p> <p>10 way that isn't obviously flawed. So I think that</p> <p>11 it would be highly unlikely they'd go to such</p> <p>12 lengths to put out on their Foreign Ministry</p> <p>13 website a 48-page report, including all these</p> <p>14 documents, and make some of it up.</p> <p>15 Q. Are you aware, sir, that this report</p> <p>16 in particular has been greatly criticized as</p> <p>17 being a political document that's not factually</p> <p>18 accurate?</p> <p>19 A. No.</p> <p>20 Q. You've never heard that criticism of</p> <p>21 the Danny Naveh report?</p>	<p style="text-align: right;">Page 358</p> <p>1 answered before.</p> <p>2 Q. So you're just assuming that there is</p> <p>3 such a letter because the Naveh report says so?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever seen that letter?</p> <p>6 A. I don't think so.</p> <p>7 Q. So you're just prepared to take that</p> <p>8 on faith from the Israeli Government?</p> <p>9 A. Like we said earlier, I don't take</p> <p>10 anything just on blanket faith. All of this fits</p> <p>11 into a larger picture.</p> <p>12 Q. What did you do to confirm that there</p> <p>13 is such a letter addressed to Fuad Shubaki?</p> <p>14 A. I don't recall.</p> <p>15 Q. Also on Page 15, you refer in the next</p> <p>16 paragraph, the fourth paragraph on that page, to,</p> <p>17 "One document shows that PA General Intelligence</p> <p>18 passed to its Ramallah office a list of 232</p> <p>19 terrorists wanted by Israel, asking the office to</p> <p>20 'please inform the brothers whose names are</p> <p>21 mentioned above to take cautionary measures'."</p>

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<p>1 Do you see that, sir?</p> <p>2 A. I do.</p> <p>3 Q. And for that proposition in Footnote</p> <p>4 45, you again refer to the Naveh report, right?</p> <p>5 A. Yes.</p> <p>6 Q. And you don't give me a pinpoint, but</p> <p>7 could you look at Page 18 of the Naveh report and</p> <p>8 tell me if the document you're referring to on</p> <p>9 Page 15 of your report at footnote, I guess, 45</p> <p>10 appears there?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And is that the document that's</p> <p>13 labeled on Page 18 of the Naveh report as</p> <p>14 Document Number 3?</p> <p>15 A. Yes.</p> <p>16 Q. And, again, what we've got here is a</p> <p>17 document where we have a partial translation from</p> <p>18 the Israeli Government, right?</p> <p>19 A. I don't know. We're not able to click</p> <p>20 on the original here and see. It does not appear</p> <p>21 to say that it's a partial translation, but that</p>	<p>1 Q. And where does it say that in the</p> <p>2 translation?</p> <p>3 A. Under Document 3, the names of 232</p> <p>4 terrorists wanted by Israel.</p> <p>5 Q. That's not the translation, sir.</p> <p>6 That's the Naveh report's characterization of the</p> <p>7 document, right?</p> <p>8 A. That's their summary, correct.</p> <p>9 Q. What the document actually says,</p> <p>10 according to the Israeli Government's</p> <p>11 translation, is, "Attached hereto is a form with</p> <p>12 the names of men wanted by the Israeli Occupation</p> <p>13 who are with you....," right?</p> <p>14 A. That portion is in quotes. I don't</p> <p>15 know if that's -- we'd have to look at the</p> <p>16 original for me to tell you definitively. But</p> <p>17 that appears to be a quote from the document,</p> <p>18 and -- so, yes, that's a quote from the document.</p> <p>19 Q. Okay. So you agree with me that as</p> <p>20 far as the translation of the document is</p> <p>21 contained in the Naveh report which you are</p>
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<p>1 may be. It looks like it's quite a short</p> <p>2 document.</p> <p>3 Q. All right. So you've never spoken to</p> <p>4 the author of this document about its contents?</p> <p>5 A. Correct.</p> <p>6 Q. And you've never spoken to the</p> <p>7 addressee of the document about its contents?</p> <p>8 A. Correct.</p> <p>9 Q. You, in fact, have no idea if it, in</p> <p>10 fact, was received by the person it's addressed</p> <p>11 to?</p> <p>12 A. Correct.</p> <p>13 Q. Now, you say in your report that this</p> <p>14 document shows that, "PA General Intelligence</p> <p>15 passed to its Ramallah office a list of 232</p> <p>16 terrorists wanted by Israel," right?</p> <p>17 A. Yes.</p> <p>18 Q. Now, does the text of the document</p> <p>19 indicate that it is 232 terrorists wanted by</p> <p>20 Israel?</p> <p>21 A. Yes.</p>	<p>1 relying on, it does not say these 232 people are</p> <p>2 terrorists, right?</p> <p>3 A. Correct. Nor do I quote it as such in</p> <p>4 my report.</p> <p>5 Q. Right. But your report assumes that</p> <p>6 the 232 people on the list are terrorists wanted</p> <p>7 by Israel, right?</p> <p>8 A. Correct.</p> <p>9 Q. But the document itself, so far as you</p> <p>10 can read it in English, doesn't say terrorists?</p> <p>11 A. The document that I'm quoting does.</p> <p>12 Q. You're quoting the Naveh report?</p> <p>13 A. Correct.</p> <p>14 Q. So you're not relying on the primary</p> <p>15 source in this instance? You're relying on the</p> <p>16 Israeli Government report?</p> <p>17 A. This is both. This is the Israeli</p> <p>18 Government report and its presentation of the</p> <p>19 underlying document. I believe that the Israelis</p> <p>20 are probably in a good position to know how many</p> <p>21 people they wanted and why.</p>

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1 Q. Indeed. Did the Israelis release the
2 list of the 232 people so the rest of the world
3 could verify their claim that they were
4 terrorists?

5 **A. I don't know, but it's not usually**
6 **what's done in the world of security. Not by us**
7 **or them or others.**

8 Q. So there's really no way for us to
9 check and see whether the Israeli Government is
10 being accurate when it characterizes these 232
11 people as terrorists, right?

12 **A. If, in fact, those names weren't made**
13 **public on this particular list, no.**

14 Q. You, nonetheless, are prepared to
15 assume that the Israeli Government is being
16 accurate when it characterizes the 232 people as
17 being terrorists, right?

18 **A. I think it's accurate to present the**
19 **232 people who are wanted by Israel as being**
20 **wanted by Israel and being wanted as terrorists**
21 **when that's what the Israelis say.**

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1 Q. So you're taking the Israelis' word
2 for it on what this list was?

3 **A. When the Israelis say there are 232**
4 **wanted terrorists, I think it's accurate to**
5 **report that the Israelis say there are 232 wanted**
6 **terrorists.**

7 Q. Yeah. But, sir, that's not what you
8 say in your report. You don't say that the
9 Israelis claimed it was a list of 232 wanted
10 terrorists. You say, "One document shows the PA
11 General Intelligence passed to its Ramallah
12 office a list of 232 terrorists wanted by
13 Israel," right?

14 **A. Yes.**

15 Q. And your only basis to believe that
16 this is, in fact, a list of terrorists is because
17 the Israeli Government told you so?

18 **A. And because Israel is a democracy, and**
19 **the likelihood of them wanting 232 people for**
20 **jaywalking is small. And, yes. So there's not a**
21 **reason to doubt that.**

1 Q. So you believe it when the Israelis
2 tell you something, but you don't believe it when
3 the Palestinians tell you something, right?

4 **A. Not at all. I meet with the**
5 **Palestinians all the time, and they tell me**
6 **things all the time.**

7 Q. Did any Palestinian talk to you about
8 the 232 people on this list?

9 **A. It's possible. I don't know. I had**
10 **lots of meeting with Palestinians, Israelis,**
11 **Americans, all as this was going on, and it was**
12 **going on a lot in terms of the Israelis passing**
13 **lists, sometimes the Americans passing lists to**
14 **the Palestinians and the Palestinians warning off**
15 **people who were wanted for acts of terrorism.**

16 Q. You don't have any idea who's on this
17 list, do you?

18 **A. Not this particular list --**

19 Q. You don't have any idea what they were
20 wanted for, do you?

21 **A. You're going to have to repeat your**

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1 **question since you were speaking while I was**
2 **speaking.**

3 Q. You don't have --

4 MR. HORTON: Hold it. We got to make
5 sure we're speaking at separate times.

6 Q. You don't have any idea why those 232
7 people were wanted by Israel, do you?

8 **A. I have reason to believe they're**
9 **wanted for terrorism.**

10 Q. Because the Israeli Government said
11 so?

12 **A. Exactly. Just like the FBI --**

13 Q. No other reason?

14 **A. Just like when the FBI says it wants**
15 **someone for violating a crime. You can take them**
16 **at face value that they want someone for**
17 **violating a crime.**

18 Q. Yeah, the FBI will give us the names,
19 though, won't they?

20 **A. Sometimes.**

21 Q. You say in the next sentence on Page

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<p>1 15, "In at least two instances, PA security 2 services knew of pending suicide attacks but took 3 no action to prevent them or inform Israeli 4 authorities," right?</p> <p>5 A. Right.</p> <p>6 Q. And that is also cited to Footnote 45, 7 right?</p> <p>8 A. Correct.</p> <p>9 Q. Which is to this same Naveh report 10 with no pinpoint site, right?</p> <p>11 A. Correct.</p> <p>12 Q. What are those two instances, sir?</p> <p>13 A. I don't recall offhand.</p> <p>14 Q. On Page 15, in the next sentence you 15 say, "According to other PA General Intelligence 16 documents seized by Israel, senior Palestinian 17 security officers - including Jamal Switat, 18 deputy head of PA Preventative Security in Jenin, 19 and an officer named Al Rah - 'supplied PIJ and 20 Hamas in the Jenin area with most of the weapons 21 in their possession.' Switat also recruited a</p>	<p>1 this footnote actually cited what you were 2 quoting?</p> <p>3 A. It's unfortunate that somehow I left 4 off the page numbers consistently for this 5 report, especially since it's such a long report. 6 I apologize for that. But, yes, I went through 7 the full report.</p> <p>8 Q. So you believe that the material 9 you're quoting from actually appears in the Naveh 10 report?</p> <p>11 A. I would hope that it does. Otherwise, 12 it's a mistake in footnote.</p> <p>13 It's also possible that the version 14 that I have of this includes the clicks to the 15 original documents, which might have more in them 16 than the summary provided here under Document 1, 17 and then the small bits of what appears to be 18 actual quoted material.</p> <p>19 Q. Well, let me mark another exhibit and 20 see if this is actually what you're referring to. 21 (Defendant's Deposition Exhibit Number</p>
Page 368	Page 370
<p>1 suicide bomber from within PAGI, who carried out 2 a November 2001 suicide bombing in Afula." Do 3 you see that, sir?</p> <p>4 A. I do.</p> <p>5 Q. And you cite for that proposition 6 again to the Naveh report, right?</p> <p>7 A. Correct.</p> <p>8 Q. And you don't give me a pinpoint site 9 to it, but if you would look at Page 17, I see a 10 reference to Mr. Switat. Is that what you're 11 referring to?</p> <p>12 (Witness Reviews Document.)</p> <p>13 A. It's not clear. Let me -- hold on. 14 (Witness Reviews Document.)</p> <p>15 A. I can't say if this is it.</p> <p>16 Q. Okay. So that's another mistake in 17 the report, right?</p> <p>18 A. I don't know. It's your time. We can 19 take the time to go through the 48 pages.</p> <p>20 Q. Well, when you prepared the report, 21 did you go through the 48 pages and make sure</p>	<p>1 204 was marked for identification.)</p> <p>2 BY MR. HILL:</p> <p>3 Q. Dr. Levitt, we've handed you what 4 we've marked as Exhibit 204, which is a report 5 from something called the Intelligence and 6 Terrorism Information Center at the Center for 7 Special Studies. Do you see that, sir?</p> <p>8 A. I do.</p> <p>9 Q. That's the organization you were 10 referring to earlier that ultimately got custody 11 of the materials the IDF had seized?</p> <p>12 A. Correct.</p> <p>13 Q. The pages aren't numbered, but the 14 last two pages of the document contain what 15 appears to be Arabic, right?</p> <p>16 A. Correct.</p> <p>17 Q. And then there is, on the preceding 18 three pages, what is described as a translation 19 of the captured document. Do you see that, sir?</p> <p>20 A. Right. Yes.</p> <p>21 Q. And at the bottom of that page, the</p>

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<p>1 third page of the document, you'll see there is a</p> <p>2 reference to Mr. Switat and someone called Al</p> <p>3 Rah, right?</p> <p>4 A. Correct.</p> <p>5 Q. So is this, in fact, the document that</p> <p>6 you were referring to on Page 15 of your report?</p> <p>7 A. Let's see. The syntax is totally</p> <p>8 different, so it's probably not in the exact same</p> <p>9 document. Again, as we discussed earlier, often</p> <p>10 the same document will be translated more than</p> <p>11 once and have slightly different translations.</p> <p>12 Q. Do you believe the translation that</p> <p>13 we're looking at in Exhibit 204 is the</p> <p>14 translation of the Arabic document that you are</p> <p>15 referring to on Page 15 in association with</p> <p>16 Footnote 46?</p> <p>17 A. It appears to be a version of it, but</p> <p>18 I can't confirm it right now.</p> <p>19 Q. And because of the nature of your</p> <p>20 citation, we can't actually reconstruct which one</p> <p>21 you looked at when you penned this particular</p>	<p>1 report. The page that has the Number 4 at the</p> <p>2 top.</p> <p>3 A. Gotcha.</p> <p>4 Q. Right under the address and the Re</p> <p>5 line, it indicates, "The source provided the</p> <p>6 following information," right?</p> <p>7 A. Correct.</p> <p>8 Q. For the record, what is a source?</p> <p>9 A. A source is someone who provides you</p> <p>10 information. Here in the context of</p> <p>11 intelligence, intelligence services, whether it's</p> <p>12 Palestinian or Israeli or American, will recruit</p> <p>13 informants and, so, the source would be some type</p> <p>14 of informant, or undercover, or something like</p> <p>15 that. It could also be -- it doesn't have to be</p> <p>16 a human source. Could be a telephone intercept.</p> <p>17 And often in the report, to protect sources and</p> <p>18 methods, you won't write what type of source. It</p> <p>19 could be an overhear, an intercept, or something</p> <p>20 like that, too.</p> <p>21 Q. There's no indication that this is an</p>
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<p>1 portion of your report?</p> <p>2 A. Unfortunately.</p> <p>3 Q. Now, you're using this document to</p> <p>4 indicate that senior Palestinian security</p> <p>5 officers were involved with PIJ and Hamas, right?</p> <p>6 A. Correct.</p> <p>7 Q. For the record, what is PIJ?</p> <p>8 A. Palestinian Islamic Jihad.</p> <p>9 Q. And if this is, in fact, a document</p> <p>10 from the PA General Intelligence Service, you</p> <p>11 would expect the PA General Intelligence Service</p> <p>12 would be monitoring people who were involved with</p> <p>13 PIJ or Hamas, right?</p> <p>14 A. Yes. Sometimes monitoring, sometimes</p> <p>15 helping.</p> <p>16 Q. Now, this document indicates on the</p> <p>17 third page of the translation, right under the Re</p> <p>18 line, that --</p> <p>19 A. I'm sorry, the third page of the</p> <p>20 translation?</p> <p>21 Q. I'm sorry, the third page of the</p>	<p>1 electronic intercept, correct?</p> <p>2 A. There's no indication any way, one way</p> <p>3 or the other.</p> <p>4 Q. Now, you would expect that the</p> <p>5 Palestinian GIS would be interested if a member</p> <p>6 of the Palestine Preventative Security was</p> <p>7 involved in Hamas or PIJ, right?</p> <p>8 A. Yes.</p> <p>9 Q. This would be like the FBI reporting</p> <p>10 that a CIA employee was a double agent, right?</p> <p>11 A. Roughly.</p> <p>12 Q. And, so, because this is intelligence,</p> <p>13 have you done anything to verify that what the</p> <p>14 source said about Mr. Switat, for example, was</p> <p>15 true?</p> <p>16 A. No. In the category of things, it's</p> <p>17 really not going to be something you can dig up.</p> <p>18 Q. Now, you would agree with me that</p> <p>19 information from sources provided to intelligence</p> <p>20 agencies is occasionally untrue?</p> <p>21 A. Occasionally.</p>

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<p>1 Q. In fact, there have been some rather</p> <p>2 notable instances where American intelligence has</p> <p>3 received untrue information and relied on it to</p> <p>4 America's detriment, right?</p> <p>5 A. Purportedly.</p> <p>6 Q. And sometimes sources provide</p> <p>7 incorrect information because they are mistaken,</p> <p>8 right?</p> <p>9 A. Could be.</p> <p>10 Q. Sometimes sources will provide</p> <p>11 incorrect information because they want to get</p> <p>12 even with somebody, right?</p> <p>13 A. It's possible.</p> <p>14 Q. And the bottom line, sir, is you have</p> <p>15 no idea whether the information that's contained</p> <p>16 in this document that purports to be from a</p> <p>17 Palestinian intelligence source is accurate or</p> <p>18 not?</p> <p>19 A. Well, it was seized from the</p> <p>20 Palestinian intelligence offices, and you should</p> <p>21 be able to know, based on how and where it was</p>	<p>1 Intelligence that was seized from their files</p> <p>2 without their consent.</p> <p>3 Q. Is there any reason to believe that</p> <p>4 Palestinian General Intelligence files are more</p> <p>5 factually accurate than the intelligence files of</p> <p>6 any other agency in the world?</p> <p>7 A. I'd have no way to know that.</p> <p>8 Q. You really don't have any basis to</p> <p>9 know whether this is true or not, do you, sir?</p> <p>10 A. I disagree.</p> <p>11 Q. What is the basis for you to believe</p> <p>12 that this statement from the unnamed source is</p> <p>13 true?</p> <p>14 A. It can be presumed to have been</p> <p>15 believed by the intelligence professionals who</p> <p>16 collected the material, to have been true,</p> <p>17 because they never work in isolation. And if</p> <p>18 this material was found in their ongoing current</p> <p>19 files, and there's no evidence to the contrary,</p> <p>20 and was presented seized material, there's no</p> <p>21 reason to create cockamammy stories about what</p>
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<p>1 found, if it was something that was not believed</p> <p>2 to be true.</p> <p>3 Q. How would you know that, sir?</p> <p>4 A. Because if it was not believed to be</p> <p>5 true, it probably wouldn't be kept in the current</p> <p>6 file of ongoing things about a target if they</p> <p>7 believed it not to be true. There's a separate</p> <p>8 place to keep stuff that you believe to be</p> <p>9 fabricated or incorrect.</p> <p>10 Q. Which file was this one found in, the</p> <p>11 fabricated file, or the "we believe it to be</p> <p>12 true" file?</p> <p>13 A. I don't know.</p> <p>14 Q. You don't have any idea, do you?</p> <p>15 A. Correct.</p> <p>16 Q. You just assumed this is true?</p> <p>17 A. I take it at face value.</p> <p>18 Q. At face value, it's an intelligence</p> <p>19 report that's not been not verified, right?</p> <p>20 A. At face value, it's an intelligence</p> <p>21 report from the files of Palestinian General</p>	<p>1 might have happened.</p> <p>2 Q. Well, sir, we don't know if there's no</p> <p>3 evidence to the contrary because the Israelis</p> <p>4 haven't released the rest of the files, have</p> <p>5 they?</p> <p>6 A. I don't know if they have or not.</p> <p>7 Q. What do you mean you don't know if</p> <p>8 they have or have not? You know how much</p> <p>9 material the Israelis seized.</p> <p>10 A. No, I don't.</p> <p>11 Q. You say in your report they received</p> <p>12 over 500,000 documents.</p> <p>13 A. Over 500,000. So do you know how many</p> <p>14 were seized? I don't.</p> <p>15 Q. Were 500,000 documents made available</p> <p>16 to the public?</p> <p>17 A. I have no idea.</p> <p>18 Q. You don't know how many documents were</p> <p>19 made available to the public?</p> <p>20 A. A whole bunch of documents were made</p> <p>21 public. Probably not 500,000. I don't know.</p>

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<p>1 Probably a lot -- many of those were, you know,</p> <p>2 not deemed relevant to the material that they</p> <p>3 were trying to put forward.</p> <p>4 Q. Exactly. And if there was something</p> <p>5 that indicated this was a false report, the</p> <p>6 Israelis would have no interest in releasing</p> <p>7 that, right?</p> <p>8 A. I don't think the Israelis would have</p> <p>9 released the report if they had reason to believe</p> <p>10 it wasn't accurate.</p> <p>11 Q. You don't think they would have</p> <p>12 released it because it tended to incriminate a</p> <p>13 Palestinian preventative security officer?</p> <p>14 A. I don't -- you're going to have to</p> <p>15 actually pose a question.</p> <p>16 Q. You don't think at the time when the</p> <p>17 Israelis were engaged in a PR campaign against</p> <p>18 the Palestinian authority, that it was in their</p> <p>19 interest to release this document because it</p> <p>20 implicated a Palestinian Government official?</p> <p>21 MR. HORTON: Object to the form.</p>	<p>1 A. No.</p> <p>2 Q. In fact nobody, except the Israeli</p> <p>3 Government, has had access to the universe of</p> <p>4 documents they seized, right?</p> <p>5 A. Correct.</p> <p>6 Q. So you're dealing with a data set</p> <p>7 where only a portion of the data has been made</p> <p>8 available to the public, right?</p> <p>9 A. That's what happens with intelligence.</p> <p>10 Like when we, the U.S. Government, released just</p> <p>11 seven documents out of the treasure trove</p> <p>12 collected at bin Laden's compound. Are we to</p> <p>13 doubt those as seven cherry picked documents? I</p> <p>14 suppose you could if you want to be a conspiracy</p> <p>15 theorist. I'm not.</p> <p>16 Q. Have you asked to see the documents</p> <p>17 the Israeli Government has not released?</p> <p>18 A. Again, let's even assume that it's not</p> <p>19 over, but it's only 500,000 documents. It's just</p> <p>20 not doable.</p> <p>21 Q. Has any scholar had access to those</p>
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<p>1 A. I think it was in their interest to</p> <p>2 release it if they believed it to be true. There</p> <p>3 was so much of this going on, there was no need</p> <p>4 to fabricate evidence. The issue, therefore, is</p> <p>5 why would they release something that they</p> <p>6 believed might not be true? I think what they</p> <p>7 probably did is they tried to release those</p> <p>8 pieces of information that either they could</p> <p>9 verify or whatever. Why would they make stuff</p> <p>10 up?</p> <p>11 Q. Well, I'm not suggesting they made it</p> <p>12 up. I'm suggesting that maybe they cherry picked</p> <p>13 it and only put out the ones they liked.</p> <p>14 A. Oh.</p> <p>15 Q. Do you have any basis to believe</p> <p>16 that's not what happened?</p> <p>17 A. I have no reason to believe that it</p> <p>18 did happen.</p> <p>19 Q. Well, you haven't actually looked at</p> <p>20 the universe of documents the Israeli Government</p> <p>21 seized, right?</p>	<p>1 materials the Israeli Government has not</p> <p>2 released?</p> <p>3 A. I'm sure there are people who have had</p> <p>4 more access than I have. I don't know who or how</p> <p>5 much. I couldn't say.</p> <p>6 Q. Are you aware of any scholar in the</p> <p>7 field that regards the limited number of</p> <p>8 documents that the Israelis have released as a</p> <p>9 representative sample of what they seized?</p> <p>10 A. What do you mean by "representative</p> <p>11 sample"?</p> <p>12 Q. Well, you're familiar with the term,</p> <p>13 aren't you, sir? What does a representative</p> <p>14 sample mean?</p> <p>15 A. I'm not sure. Why don't you tell me.</p> <p>16 Q. Well, these documents weren't randomly</p> <p>17 sampled by the Israelis from what they received</p> <p>18 and released to the public, were they?</p> <p>19 A. I don't know. Presumably not, but</p> <p>20 they didn't tell me. I'm not privy to that kind</p> <p>21 of information. Presumably they went to the</p>

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<p>1 documents, found documents either that they could</p> <p>2 verify, they knew to be true, and certainly that</p> <p>3 demonstrated the problems that they were trying</p> <p>4 to expose, and made those public.</p> <p>5 Q. Why do you assume that, sir?</p> <p>6 A. Because I've had the opportunity to</p> <p>7 work in the intelligence and law enforcement</p> <p>8 field, and it's my experience that professionals</p> <p>9 act professionally.</p> <p>10 Q. Even though the Israeli officials,</p> <p>11 themselves, that were involved in this have said</p> <p>12 Israeli Military Intelligence was engaged in</p> <p>13 propaganda in connection with these materials?</p> <p>14 A. You have an Op Ed by two individuals</p> <p>15 who I don't know and maybe have some type of chip</p> <p>16 on their shoulder. Who knows?</p> <p>17 Here in this country, too, we have</p> <p>18 former intelligence people that leave and are</p> <p>19 angry and say all kinds of things. So I don't</p> <p>20 know how much weight to give that at all.</p> <p>21 I haven't seen that. That's the</p>	<p>1 Q. Has anyone ever told you that U.S.</p> <p>2 Government officials got to see more than the</p> <p>3 public has seen?</p> <p>4 A. It's my understanding.</p> <p>5 Q. Who told you that?</p> <p>6 A. I don't recall.</p> <p>7 Q. Have you ever spoken to anyone at the</p> <p>8 Palestinian intelligence agency about this</p> <p>9 document?</p> <p>10 A. Not about this document specifically,</p> <p>11 to my knowledge, but I have spoken to people</p> <p>12 there.</p> <p>13 Q. Who have you spoken to at Palestinian</p> <p>14 intelligence?</p> <p>15 A. I don't have their names.</p> <p>16 Q. You didn't speak to Mr. Daruch, who</p> <p>17 wrote this report, did you?</p> <p>18 A. Not to my knowledge.</p> <p>19 Q. You didn't speak to Mr. Tirawi, to</p> <p>20 whom the report is addressed, did you?</p> <p>21 A. I don't -- it's possible. I don't</p>
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<p>1 document you produced. I haven't had a chance to</p> <p>2 see who these people are or what their background</p> <p>3 is or if they have a chip on their shoulder, what</p> <p>4 have you.</p> <p>5 Q. Are you aware of any academic, other</p> <p>6 than yourself, who will rely on the documents</p> <p>7 being released by the Israelis as being factually</p> <p>8 accurate?</p> <p>9 A. Sure.</p> <p>10 Q. Can you give me a name of someone?</p> <p>11 A. Not right now. But there are lots and</p> <p>12 lots of other academics who have cited to this</p> <p>13 material, and in parts because they, like I, went</p> <p>14 and spoke with primarily U.S. officials to get</p> <p>15 their sense, having gone through these documents,</p> <p>16 and these documents, and presumably many more,</p> <p>17 were made available to U.S. Government officials.</p> <p>18 Q. Why do you presume U.S. Government</p> <p>19 officials saw many more?</p> <p>20 A. Because Israel and the United States</p> <p>21 have a very close intelligence relationship.</p>	<p>1 think I've ever spoken with Tirawi.</p> <p>2 Q. You haven't spoken to Mr. Switat,</p> <p>3 who's the subject of the report, have you?</p> <p>4 A. No.</p> <p>5 Q. Do you know what happened to him?</p> <p>6 A. No.</p> <p>7 Q. Have you spoken to Mr. Al Rah, who's</p> <p>8 mentioned in the report?</p> <p>9 A. No.</p> <p>10 Q. Have any idea what happened to him?</p> <p>11 A. No.</p> <p>12 Q. On Page 15 of your report, the next</p> <p>13 sentence in the last paragraph says, "Fatah bomb</p> <p>14 makers like Mutasen Hammad prepared</p> <p>15 explosives-laden suicide belts for both Al-Aqsa</p> <p>16 and PIJ." Do you see that, sir?</p> <p>17 A. Yes.</p> <p>18 Q. The next sentence says, "For instance,</p> <p>19 a joint PIJ-Fatah suicide attack at the old</p> <p>20 central bus station in Tel-Aviv on January 25th,</p> <p>21 2002 wounded 23 people." Do you see that, sir?</p>

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1 A. Yes.

2 Q. And you cite in Footnote 48 something
3 called, "Israel Defense Forces, 'The Fatah and
4 the PA Security Apparatuses in the Jenin Area
5 Closely Cooperate with PIJ and Hamas,' April 9th,
6 2002." Do you see that, sir?

7 A. Yes.

8 Q. When you wrote this sentence that you
9 cited in Footnote 48, did you look at that
10 report?

11 A. Presumably, yes.

12 Q. Do you have a copy of it today?

13 A. I don't have anything with me today.

14 I should note, by the way, there's
15 also a second citation in that footnote.

16 Q. Yeah, there is, but I want to ask you
17 about the first one because when I asked the
18 plaintiffs' lawyer to give me a copy of that
19 report, they said it no longer existed.

20 A. It's possible. A lot of these reports

21 that at one point were available on the Internet,

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1 are not anymore.

2 Q. So you're saying this was available on
3 the Internet in March of 2013, and it no longer
4 exists today?

5 A. Possibly. I don't have it here in
6 front of me. I couldn't tell you definitively.

7 Q. So you would agree with me that I
8 can't actually look at that citation and see if
9 it says what you say it says?

10 A. Without having it in front of us, no.
11 I don't know that it's not available. I don't
12 know that some archive search can't pull it up.
13 But sitting here right now, I can't.

14 Q. Did you look for that citation in
15 connection with the subpoena that we had served
16 on you?

17 A. I'm sure.

18 Q. Did you find it?

19 A. If I found it, I provided it.

20 Q. So the fact that I haven't got it, we
21 can infer that you didn't find it, right?

1 A. Yes.

2 Q. So do you have any explanation for how
3 a footnote in your report refers to something
4 that nobody can find?

5 A. That it was taken off the Internet,
6 that possibly I didn't maintain a hard copy of
7 it.

8 Q. When did you last look at that
9 document that's cited in Footnote 48?

10 A. I don't recall.

11 Q. Did you look at it in preparation of
12 this report?

13 A. Presumably.

14 Q. On Page 16 of your report, you discuss
15 these seven distinct funding requests that we
16 were looking at before the lunch break. Let's
17 see if we can find the document that's entitled
18 Palestinian Authority Captured Documents Main
19 Implications. I believe that one to be Exhibit
20 Number 198.

21 A. 198.

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1 Q. In your report on Page 16, you say,
2 "The table" -- the last paragraph, "The table
3 lists seven" --

4 A. I'm sorry. Where?

5 Q. Last paragraph, second sentence on 16.

6 A. Right.

7 Q. "The table lists seven distinct
8 funding requests, five of which were approved by
9 Arafat; Arafat's senior aid and the PA's General
10 Security Apparatus financial head Fuad Shubaki,
11 oversaw the remaining two."

12 And then in Footnote 54 you refer to
13 Appendix D of what we've marked as Exhibit Number
14 198, right?

15 A. Okay.

16 Q. All right. And of these documents,
17 Number 1 on Page 12 of Exhibit 198, is the July
18 2001 letter from Mr. Hamid that we talked about
19 before the lunch break, right?

20 A. Correct.

21 Q. And Number 2 is the September 2001

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<p>1 document that we talked about today before the</p> <p>2 lunch break -- or after lunch break, right?</p> <p>3 A. Yeah, that appears to be the same.</p> <p>4 Q. And that was the one where we couldn't</p> <p>5 find Mr. Shubaki's name on it, right?</p> <p>6 A. From that particular source, which I</p> <p>7 think was the Naveh report.</p> <p>8 Q. And then Document Number 3, which</p> <p>9 appears on 13 of Exhibit Number 198, references a</p> <p>10 September 19th, 2001 document from someone called</p> <p>11 Hussein, H-U-S-S-E-I-N, Al, A-L-Sheikh,</p> <p>12 S-H-E-I-K-H. Do you see that, sir?</p> <p>13 A. Yes.</p> <p>14 Q. And we haven't talked about that one</p> <p>15 yet, right?</p> <p>16 A. I don't think so.</p> <p>17 Q. If you'll look at the Naveh report?</p> <p>18 A. What number is that?</p> <p>19 Q. 203, at Page 10.</p> <p>20 A. Page 10.</p> <p>21 Q. Is the document that appears at the</p>	<p>1 don't.</p> <p>2 MR. HILL: Let's mark this one.</p> <p>3 (Defendant's Deposition Exhibit Number</p> <p>4 205 was marked for identification.)</p> <p>5 BY MR. HILL:</p> <p>6 Q. Showing you what's been marked as</p> <p>7 Exhibit Number 205, is this a different version</p> <p>8 of this Naveh report?</p> <p>9 A. It appears to be a different version</p> <p>10 of the Naveh report.</p> <p>11 Q. How many versions of the Naveh report</p> <p>12 were there?</p> <p>13 A. Well, presumably it's the same Naveh</p> <p>14 report, I don't know, but it looks like probably</p> <p>15 what you just handed me was probably more of the</p> <p>16 original and what you -- let's say 205, and 203</p> <p>17 is printed off the Ministry of Foreign Affairs,</p> <p>18 the Israeli Ministry of Foreign Affairs' website,</p> <p>19 so it appears that maybe that's what it looks</p> <p>20 like once they put it on the Internet. This one,</p> <p>21 205, does not appear -- it doesn't have a web</p>
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<p>1 end of Page 10, the translation of which carries</p> <p>2 over to Page 11, the document that's referred to</p> <p>3 on the chart here?</p> <p>4 A. Again, which number in the chart are</p> <p>5 we up to here? 4 or 5?</p> <p>6 Q. Exhibit Number 3 on the chart, is that</p> <p>7 the document that's on Page 10 to 11 of the Naveh</p> <p>8 report?</p> <p>9 (Witness Reviews Document.)</p> <p>10 A. I can't say for sure. It's from two</p> <p>11 different reports. What I have here -- well,</p> <p>12 what appears here on Page 13 of Exhibit 198 would</p> <p>13 be to three people, and at least in the summary</p> <p>14 here on Page 10 of 203 is -- appears to be two</p> <p>15 people. So it's not clear this is the same</p> <p>16 letter.</p> <p>17 Q. It's possible, is it not, sir, that</p> <p>18 what happened in the Naveh report is they omitted</p> <p>19 one of the people, right?</p> <p>20 A. I don't know. We could tell if we had</p> <p>21 the rest of it here, which is accessible, but we</p>	<p>1 address at the top.</p> <p>2 Q. Okay. Well, look, if you will, at</p> <p>3 Page 20 of the second Naveh report that we've</p> <p>4 marked and tell me if that appears to be the</p> <p>5 document that's referenced in the table as Number</p> <p>6 3 on Exhibit Number 198?</p> <p>7 A. Yes.</p> <p>8 Q. So you would agree with me, sir, that</p> <p>9 on Page 20 of the second Naveh report, the</p> <p>10 material that's in the parentheses is added by</p> <p>11 the Israeli Government translator, right?</p> <p>12 A. Yes. I'm sorry. I didn't see it at</p> <p>13 first.</p> <p>14 Q. And you would agree with me, sir, that</p> <p>15 there's no indication on this document that any</p> <p>16 money was, in fact, paid, right?</p> <p>17 A. Correct.</p> <p>18 Q. And are you familiar with Mr.</p> <p>19 Al-Sheikh?</p> <p>20 A. I was at the time.</p> <p>21 Q. Do you now if he has suffered any</p>

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<p>1 adverse consequences for his role in this</p> <p>2 particular document?</p> <p>3 A. I don't, do not.</p> <p>4 Q. There's nothing in the document that</p> <p>5 indicates what the purpose of the money that's</p> <p>6 requested is for, is there?</p> <p>7 A. No.</p> <p>8 Q. And this document, which is dated in</p> <p>9 September of 2001, also coincides with a</p> <p>10 cease-fire declared by President Arafat, right?</p> <p>11 A. Again, I don't recall the dates of the</p> <p>12 cease-fire precisely. Last time we had it, we</p> <p>13 were off a little bit, so it's somewhere around</p> <p>14 there. I don't know if it predated it or</p> <p>15 followed it. Most of these cease-fires are short</p> <p>16 lived.</p> <p>17 MR. HILL: Let's mark this one.</p> <p>18 (Defendant's Deposition Exhibit Number</p> <p>19 206 was marked for identification.)</p> <p>20 (Brief Recess.)</p> <p>21 BY MR. HILL:</p>	<p>1 September 20th, 2001, which is the next day,</p> <p>2 right?</p> <p>3 A. Correct.</p> <p>4 Q. The first photograph of the Haaretz</p> <p>5 article says, "President -- Palestinian Authority</p> <p>6 Chairman Yasser Arafat convened Thursday night an</p> <p>7 urgent session of the leaders of all the</p> <p>8 Palestinian political factions to emphasize the</p> <p>9 utmost importance he places on keeping the</p> <p>10 cease-fire he declared and to make clear his</p> <p>11 determination to see the cease-fire enforced."</p> <p>12 Do you see that, sir?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And that article reported that</p> <p>15 meeting as occurring on the same day that the</p> <p>16 document that's Page 20 of the Naveh report</p> <p>17 purports to have President Arafat's signature,</p> <p>18 right?</p> <p>19 A. It's not clear it's the same day but</p> <p>20 it's somewhere within that week.</p> <p>21 Q. It's within a day, right?</p>
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<p>1 Q. Dr. Levitt, I've shown you what we've</p> <p>2 marked as Exhibit Number 206. This is another</p> <p>3 article from Haaretz, right?</p> <p>4 A. Yes.</p> <p>5 Q. It's dated September 20th, 2001,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And the document that we've been</p> <p>9 looking at from Mr. Al-Sheikh purports to have</p> <p>10 President Arafat's signature affixed on it on</p> <p>11 September 19th, 2001, right?</p> <p>12 A. I'm sorry, I lost that one. What page</p> <p>13 are we on?</p> <p>14 Q. On Page 20 of the second version of</p> <p>15 the Naveh report, down at the bottom.</p> <p>16 A. Right.</p> <p>17 Q. It purports to have Yasser Arafat's</p> <p>18 signature, the date is September 19th, 2001,</p> <p>19 right?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And this article is dated</p>	<p>1 A. Well, I don't know what day of the</p> <p>2 week September 20th is. And then it says,</p> <p>3 "Convened Thursday night," so.</p> <p>4 Q. Okay. If September 20th was a Friday,</p> <p>5 then the meeting where he emphasized the</p> <p>6 importance of keeping the cease-fire would be</p> <p>7 exactly the same day that he purported to sign</p> <p>8 the document that's shown on Page 20 of the Naveh</p> <p>9 report, right?</p> <p>10 A. It would be.</p> <p>11 Q. Document Number 5 on Page 13 of</p> <p>12 Exhibit 198, the chart that you referred to on</p> <p>13 Page 16 of your report, relates to a document</p> <p>14 that's supposedly dated January 20th, 2001,</p> <p>15 right?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And if you'll look at the</p> <p>18 second version of the Naveh report on Page 21?</p> <p>19 A. Exhibit 205?</p> <p>20 Q. 205. Thank you.</p> <p>21 A. On page?</p>

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1 Q. 21.

2 A. 21. Okay.

3 Q. Does that document which is on Page 21
4 of Exhibit 205 appear to be the document that's
5 listed as Number 5 on Page 13 of Exhibit 198?

6 A. Yes.

7 Q. And, in fact, the document on Exhibit
8 21 shows the correct date is January of 2002,
9 right? Not 2001 as shown on the chart of 198?

10 A. Well, the fax -- oh, I see. No,
11 you're -- yes, January 2nd.

12 Q. So at the top there's a fax line,
13 January 20th, '02, right?

14 A. Right.

15 Q. And at the bottom there is a
16 translation that purports to be President
17 Arafat's signature dated January 7th, 2002,
18 right?

19 A. Correct.

20 Q. And, again, January 7th, 2002 was
21 coincident with a cease-fire that President

1 A. I have.

2 Q. Have you ever written about him?

3 A. Yes.

4 Q. Do you have any idea if the Israelis
5 killed him?

6 A. I think they did, and I don't remember
7 offhand, and I certainly don't remember the date.

8 Q. And this document does not indicate
9 what the monies that are requested here are for,
10 does it?

11 A. No.

12 Q. And it does not indicate whether the
13 money that's requested has, in fact, been -- was,
14 in fact, paid, right?

15 A. No. It appears to have been in the
16 works for some time because the bottom -- the
17 signature line is not January but July, for what
18 purports to be Yasser Arafat's signature.

19 Q. Are you familiar with the Israeli
20 convention of putting the day of the month before
21 the month of the year when they date documents,

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1 Arafat had declared, right?

2 A. I don't know.

3 Q. Do you recall that there was a
4 cease-fire at the end of 2001 and beginning of
5 2002 that was broken when the Israelis
6 assassinated Ra'd Karmi?

7 A. There were lots of these cease-fires
8 that were broken by one or the other side. I
9 think this is one, if memory serves, we were
10 talking about yesterday, but I, to be honest,
11 don't have the dates of each of them memorized.

12 Q. Well, this letter that is shown on
13 Page 21 of the Naveh report purports to be from
14 Ra'd Al Karmi, right?

15 A. Correct.

16 Q. That is the same person that was
17 assassinated by the Israelis on January 14th,
18 2002, right?

19 A. I don't know. You'd have to show me
20 something to --

21 Q. Have you ever heard of Ra'd Al Karmi?

1 sir?

2 A. So you're saying it's January 7th?

3 Q. That's what it appears to me, sir. Do
4 you have a reason to believe that's a date other
5 than January 7th?

6 A. Well, something's not adding up.
7 Either one of these dates is wrong or there's a
8 misprint or someone's using one type of dating in
9 one place or another. If, in fact, this is dated
10 January 20th, then it wasn't signed several days
11 earlier, unless it was post-dated or something
12 like that.

13 Q. Well, it could have been signed on
14 January 7th and faxed on January 20th, right?

15 A. Yes. Oh, I see. There's actually two
16 fax lines. I didn't realize the top one was a
17 fax line in this version you've given me on Page
18 21 of Exhibit 205. The one is clearly, a few
19 lines down, a fax printed out, very small writing
20 of the date. Fatah office's fax number, that's
21 clearly a fax line, but right at the top, under

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<p>1 Document Number 2, there's a date which I thought</p> <p>2 was the printed date of the document based on</p> <p>3 what you've given me here, but it was apparently</p> <p>4 maybe a recreation, but it's a fax line of some</p> <p>5 sort. And there's something odd with it because</p> <p>6 it also has a date of September 29th, 1984. I</p> <p>7 don't know exactly what that is.</p> <p>8 Q. Do any of these multiple dates cause</p> <p>9 you to question the authenticity of this</p> <p>10 document?</p> <p>11 A. Well, it's not clear that this is the</p> <p>12 version of the document that is being referred to</p> <p>13 here. We're combining multiple sources here.</p> <p>14 Q. Yeah. Have you actually studied this</p> <p>15 document before you ended up citing the IDF</p> <p>16 report, summarizing this document in your report?</p> <p>17 A. Yes, but I don't know that the one I</p> <p>18 was using is the one that you're sharing with me</p> <p>19 here in 205.</p> <p>20 Q. So you think there might be an</p> <p>21 entirely different version of this document that</p>	<p>1 Q. Even though it doesn't say this is for</p> <p>2 terrorism?</p> <p>3 A. Well, that's not what you asked.</p> <p>4 Q. Well, no, it doesn't say it was for</p> <p>5 terrorism, does it?</p> <p>6 A. It doesn't say what it's for. It just</p> <p>7 says to whom it's giving the funds, and the</p> <p>8 individuals are individuals that are known to</p> <p>9 have engaged in acts of terrorism.</p> <p>10 Q. And the document is dated at the time</p> <p>11 when there was a cease-fire, right?</p> <p>12 A. Yes.</p> <p>13 Q. On Exhibit Number 198, the next</p> <p>14 document in the list that you rely on is Document</p> <p>15 Number 6, and this refers to a document that's</p> <p>16 allegedly associated with Mr. Shubaki. Turn, if</p> <p>17 you would, to Page 19 of the Naveh report.</p> <p>18 A. So that's 205 again?</p> <p>19 Q. I think this is the other one. I</p> <p>20 think this is 203, Page 19.</p> <p>21 A. Okay. So the foreign affairs version?</p>
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<p>1 you've seen?</p> <p>2 A. Well, at least in terms of that</p> <p>3 header, where it says Document Number 2. That's</p> <p>4 clearly not from the original. That's from this</p> <p>5 report.</p> <p>6 And then the piece right under it,</p> <p>7 where it's stating out it's a fax, that appears</p> <p>8 to be someone typing up what is actually below.</p> <p>9 And the August date, the one from</p> <p>10 1984, that just -- it actually appears in teeny,</p> <p>11 teeny, tiny print below the actual fax printout</p> <p>12 of the fax number, and it's been a long time</p> <p>13 since we all used fax machines like that with the</p> <p>14 curly, curly paper, but, you know, if you have it</p> <p>15 programmed with some certain date, anything can</p> <p>16 be printed out there, so that don't necessarily</p> <p>17 mean anything.</p> <p>18 Q. But you think this document is</p> <p>19 reliable support for your conclusion that the PA</p> <p>20 was providing funds to terrorists, right?</p> <p>21 A. Yes.</p>	<p>1 Q. Um hum.</p> <p>2 A. Page 19? Okay.</p> <p>3 Q. And the document that appears on the</p> <p>4 top of Page 19 is the document that's being</p> <p>5 referenced on Page 13 at Number 6 of Exhibit 198,</p> <p>6 right?</p> <p>7 A. It's hard to say. I wonder if it's in</p> <p>8 the version in 205, which appears to have the</p> <p>9 actual documents, as opposed to 203, which</p> <p>10 doesn't have the documents. That would be a lot</p> <p>11 easier.</p> <p>12 Q. Well, the document's right there on</p> <p>13 Page 19, isn't it, sir?</p> <p>14 A. There's a translation, then there's a</p> <p>15 teeny, tiny document, but we don't have full</p> <p>16 documents.</p> <p>17 Q. Well, you can't read the Arabic</p> <p>18 anyway, can you?</p> <p>19 A. No.</p> <p>20 Q. Why don't we work off Page 19 then.</p> <p>21 You would agree with me that the translation that</p>

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<p>1 shows on Page 19 of the Naveh report that we've</p> <p>2 marked as 203 doesn't have the name Shubaki on</p> <p>3 it, right?</p> <p>4 A. Correct. We don't have the cover --</p> <p>5 in this version, at least, we don't have the</p> <p>6 cover letter that appears to go with these two</p> <p>7 lists. This is the same conversation we had</p> <p>8 before the break, only we were then talking about</p> <p>9 the second document in the series.</p> <p>10 Q. Exactly. And, in fact, you don't cite</p> <p>11 that cover letter in your report, do you, sir?</p> <p>12 A. The cover letter's not here.</p> <p>13 Q. All right. On Page 17 of your report,</p> <p>14 you reference a November 17th, 2001 letter to the</p> <p>15 mayor of Bethlehem.</p> <p>16 A. Top of the page?</p> <p>17 Q. Yeah.</p> <p>18 (Defendant's Deposition Exhibit Number</p> <p>19 207 was marked for identification.)</p> <p>20 BY MR. HILL:</p> <p>21 Q. We're showing you what we've marked as</p>	<p>1 Do you agree that this IDF report that you cited</p> <p>2 in Footnote 56 is actually no longer in</p> <p>3 existence?</p> <p>4 A. Sitting here right now, without being</p> <p>5 able to check, I couldn't tell you. It's very</p> <p>6 possible, I think likely, that this is the same</p> <p>7 document, as I said, only with a different header</p> <p>8 on it in terms of instead of IDF, they'll say</p> <p>9 ITI.</p> <p>10 Q. Okay. Well, is the document that</p> <p>11 you're quoting on Page 17 in this exhibit that</p> <p>12 we've just marked?</p> <p>13 A. Let's look.</p> <p>14 (Witness Reviews Document.)</p> <p>15 A. What you have given me here is missing</p> <p>16 material. We've got four pages, then Page 5 of 5</p> <p>17 is basically blank other than the top shows a</p> <p>18 seal. The next page is completely blank, and</p> <p>19 then there's a completely separate document which</p> <p>20 starts at Page 1 of 2.</p> <p>21 Q. So you would agree that this is not a</p>
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<p>1 Exhibit Number 207. This is the document that</p> <p>2 you cite in Footnote 56 on Page 17 of your</p> <p>3 report, correct?</p> <p>4 A. Let's see. It appears like what I'm</p> <p>5 citing to is a slightly earlier version. I don't</p> <p>6 have it cited to this ITIC Center, but it appears</p> <p>7 to be the same document.</p> <p>8 Q. So you're actually citing to an IDF</p> <p>9 report here, right?</p> <p>10 A. As we discussed, that's usually how</p> <p>11 these first came out, as an IDF report or an</p> <p>12 ITI/MI report and then were publicized through</p> <p>13 this, the Center.</p> <p>14 Q. And have you seen this IDF report</p> <p>15 lately?</p> <p>16 A. Like I said, I think this is it, just</p> <p>17 added a version that's printed up on this website</p> <p>18 subsequently.</p> <p>19 Q. Okay. So when I asked the plaintiffs'</p> <p>20 lawyers to send me this document, this was</p> <p>21 another one they told me didn't exist anymore.</p>	<p>1 different version of the IDF report that you've</p> <p>2 cited, right?</p> <p>3 A. Well, again, it may still be. It's</p> <p>4 just an incomplete one. I don't know where you</p> <p>5 got this or -- this is actually from the way-back</p> <p>6 machine. This is an archive website, which will</p> <p>7 archive what they found available, so apparently</p> <p>8 they found available portions of the report</p> <p>9 probably for technical reasons that are well</p> <p>10 beyond me, but not the whole thing.</p> <p>11 Q. Well, look back at the Naveh report</p> <p>12 that we've marked as Exhibit Number 203.</p> <p>13 A. Okay. Hold on, please. 203.</p> <p>14 Q. And on Page 47 and 48, tell me if</p> <p>15 that's the document, or at least a translation of</p> <p>16 the document you're referring to on Page 17.</p> <p>17 MR. HORTON: Is that Page 47?</p> <p>18 THE WITNESS: The last two pages, Page</p> <p>19 47.</p> <p>20 A. Yes, this appears to be the same</p> <p>21 letter.</p>

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<p>1 Q. Okay. And you used this letter to</p> <p>2 indicate that there's a connection between Fatah</p> <p>3 and AAMB, again because somebody wrote Fatah and</p> <p>4 AAMB on the document, right?</p> <p>5 A. Well, that's certainly as one of the</p> <p>6 take-aways, though this isn't -- not in that</p> <p>7 section of the report. This is in a section of</p> <p>8 the report on the involvement of the Palestinian</p> <p>9 Authority in terrorism more generally.</p> <p>10 Q. So you think this document indicates</p> <p>11 the Palestinian Authority was involved in</p> <p>12 terrorism?</p> <p>13 A. It indicates a relationship between</p> <p>14 the Palestinian Authority and a group that was</p> <p>15 engaging in terrorism.</p> <p>16 Q. Now, the Naveh report on Page 46, in</p> <p>17 Paragraph 2b --</p> <p>18 A. 46?</p> <p>19 Q. Paragraph 2b refers to this letter as</p> <p>20 being sent by a protection racket. Do you see</p> <p>21 that, sir?</p>	<p>1 A. I couldn't tell you.</p> <p>2 Q. Well, in any event, the November 17th</p> <p>3 document that you cite in your report does not</p> <p>4 contain any indication that any money was paid as</p> <p>5 a result of receiving that document, does it?</p> <p>6 A. The November 17th document?</p> <p>7 Q. The one you cite that's on -- the</p> <p>8 translation of which is apparently on Page 47 and</p> <p>9 48 of the Naveh report doesn't indicate that any</p> <p>10 money was paid?</p> <p>11 A. Well, it indicates that -- I'm in the</p> <p>12 first full paragraph on the last page. It's Page</p> <p>13 48 of 203. Towards the end of that paragraph, it</p> <p>14 does indicate that we want, "To draw your</p> <p>15 attention to the fact and tell you that we pay</p> <p>16 the LC Public Trade Company, owned by Faez</p> <p>17 Hazboun, a sum which does not exceed 5,000</p> <p>18 shekels a month as fees used for the</p> <p>19 communication sets by military armed personnel."</p> <p>20 Then there's a note which is clearly added.</p> <p>21 Q. Right. But there's no indication in</p>
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<p>1 A. 2b.</p> <p>2 (Witness Reviews Document.)</p> <p>3 A. No, that's referring to a different</p> <p>4 document. If you'll flip back, please, to Page</p> <p>5 45 at the bottom, which is where this begins. 2b</p> <p>6 is a continuation of this discussion. It says,</p> <p>7 subhead, "Bethlehem - Mistreatment of the</p> <p>8 Christian Population. 1. A document captured by</p> <p>9 the IDF in Bethlehem during Operation Defensive</p> <p>10 Wall concerns a request by," and continues to</p> <p>11 discuss this document and a request dated</p> <p>12 November 7th, 2001, and then continues to discuss</p> <p>13 this document in 2a and 2b and 2c, so it appears</p> <p>14 that that's actually a completely different</p> <p>15 document.</p> <p>16 Q. So you think that there's actually two</p> <p>17 documents sent to the PA in Bethlehem, one on</p> <p>18 November 7th and one on November 17th?</p> <p>19 A. That's what appears to be here.</p> <p>20 Q. Well, where's that November 7th</p> <p>21 document?</p>	<p>1 the document that the Bethlehem mayor, who was</p> <p>2 the addressee of the letter, paid any money in</p> <p>3 response to this letter, did he?</p> <p>4 A. All we have is what it says in the</p> <p>5 letter. He mentions that this fee is being paid</p> <p>6 or has been paid, but not what will be</p> <p>7 subsequently paid because of the letter.</p> <p>8 Q. Okay. But it doesn't say that that</p> <p>9 amount was paid by the Bethlehem mayor, does it?</p> <p>10 A. No. It's to the Bethlehem mayor.</p> <p>11 Q. Right.</p> <p>12 A. It's from Fatah Al Aqsa Martyrs.</p> <p>13 Q. Right. So the author is not named on</p> <p>14 the document, right?</p> <p>15 A. Correct.</p> <p>16 Q. And you haven't spoken to the author?</p> <p>17 A. Correct.</p> <p>18 Q. You haven't spoken to the Bethlehem</p> <p>19 mayor who received it, right?</p> <p>20 A. Correct.</p> <p>21 Q. On Page 18 of your report, you make</p>

<p style="text-align: right;">Page 415</p> <p>1 reference in the third paragraph on that page to 2 a report entitled, "International Financial Aid 3 to the Palestinian Authority redirected to 4 Terrorist Elements." Do you see that? 5 A. No. Hold on a second. This is the 6 paragraph that starts, "The 500,000"? 7 Q. No. The one above that. 8 A. Yes. 9 Q. And are you aware that the European 10 Union considered this report and determined that 11 the conclusions it contained were unwarranted? 12 A. No. 13 Q. Did you think it was important to 14 consider the EU's response to this report before 15 you determined whether you would rely on the 16 report to support your opinions? 17 A. I did. In fact, I met with the 18 Europeans about this. 19 Q. You did? What was the name of the 20 Europeans that you met with about this, sir? 21 A. I don't recall. It was a meeting in</p>	<p style="text-align: right;">Page 417</p> <p>1 from one person directly to someone who's 2 carrying out an attack for the express purpose of 3 carrying out the attack, the EU wasn't going to 4 cut back the funding which it felt was critical 5 for the sustenance and the continued viability of 6 the Palestinian Authority, which it and the U.S. 7 Government, for that matter, saw as a primary 8 interest. 9 Q. Sir, you did not cite the EU's 10 response to this Israeli report in your report, 11 did you, sir? 12 A. No. 13 Q. You just cited the Israeli Government 14 report, right? 15 A. Correct. 16 Q. Also on Page 18, you refer to someone 17 named Abu, A-B-U, Hanud, H-A-N-U-D, right? 18 A. Yes. Mahmud, M-A-H-M-U-D? 19 Q. Right. 20 A. Abu Hanud. 21 Q. Right. And you indicate that in the</p>
<p style="text-align: right;">Page 416</p> <p>1 Brussels with Middle East officials. 2 Q. You can't come up with one name of a 3 person that you met? 4 A. No. 5 Q. Did you convince them that the 6 Israelis were right? 7 A. No. My job is not to convince the 8 Europeans the Israelis are right or wrong. It 9 was to have a discussion and really more for them 10 to speak and for me to get a sense of their on 11 the issue. 12 Q. And their position on the issue was 13 that, "On the basis of information currently 14 available to the European Anti-Fraud Office, the 15 investigation has found no conclusive evidence of 16 support of armed attacks or unlawful activities 17 financed by the European Commission's 18 contributions to the PA budget," right? 19 A. That was ultimately part of the 20 report. In fact, it was much more complicated 21 than that, but so long as a dollar wasn't handed</p>	<p style="text-align: right;">Page 418</p> <p>1 second sentence of the second paragraph on Page 2 18, "Abu Hanud was released from prison in 3 October 2000 and immediately orchestrated a 4 number of Hamas suicide bombing attacks targeting 5 Israeli civilians. He was later killed by 6 Israeli forces." Right? 7 A. Correct. 8 Q. And you cite for that proposition 9 Footnote Number 61, right? 10 A. Yes. 11 Q. And that is a Washington Post article, 12 right? 13 A. It is a Reuters article and a 14 Washington Post article. 15 MR. HILL: So let's mark this one. 16 (Defendant's Deposition Exhibit Number 17 208 was marked for identification.) 18 BY MR. HILL: 19 Q. So, sir, Exhibit Number 208 is a 20 printout of The Washington Post article that you 21 cite in Footnote 61 of your report, right?</p>

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1 **A. It looks like it. It's not the exact**
 2 **same edition. Mine is the November 24th edition,**
 3 **and this is the final edition that came out on**
 4 **the 25th.**

5 Q. Any reason to think that this is the
 6 wrong article?

7 **A. Not a question of wrong. I'm sure**
 8 **it's the same article, but there can be slight**
 9 **differences.**

10 Q. And do you regard The Washington Post
 11 as a reliable press source, as press sources go?

12 **A. Yes.**

13 Q. On Page 2 of this printout, the eighth
 14 paragraph down says, "He was still a prisoner on
 15 May 18th when Israeli F-16 jets struck the prison
 16 where he was incarcerated, the first aerial
 17 bombing in the West Bank since the 1967 Middle
 18 East War. The strike was in retaliation for a
 19 suicide bombing in the Israeli coastal resort of
 20 Netanya earlier in the day, which killed five
 21 people. Israeli officials acknowledge that the

1 Q. Do you believe it's misleading to have
 2 said in your report that he was released when the
 3 reason he got out of jail was because the jail
 4 was bombed?

5 MR. HORTON: Objection to the form.

6 **A. It doesn't say here that that's**
 7 **actually what happened. It says here that the**
 8 **jail was bombed, and then they kind of decided**
 9 **they couldn't continue to hold him because he was**
 10 **made into a folk hero, so you're going to have to**
 11 **go somewhere else to find someone who's going to**
 12 **say that the bombing of the jail was a good idea.**
 13 **I don't.**

14 **But the fact is that here is a guy who**
 15 **had multiple murders on his hands, was in jail,**
 16 **and it's like my kids. If one kid does something**
 17 **wrong, it doesn't mean the other one can do**
 18 **something wrong either. Abu Hanud is someone who**
 19 **should have stayed in jail and didn't, went back**
 20 **to more terrorism, and that's a problem.**

21 **It's also a problem that the Israelis**

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1 target of their planes was Abu Hanud." Do you
 2 see that, sir?

3 **A. Yes.**

4 Q. Do you recall that the Israelis used
 5 F-16 jets to bomb a Palestinian jail in the West
 6 Bank to try and kill Abu Hanud?

7 **A. Yes.**

8 Q. The next paragraph says, "Eleven
 9 Palestinian policemen were killed in the bombing
 10 raid, which reduced a large section of the
 11 Palestinian security headquarters in Nablus to
 12 rubble, but Abu Hanud survived virtually
 13 unscathed and went free. Palestinian officials
 14 said Israeli attempts to kill Abu Hanud had made
 15 him into a folk hero and they could hardly
 16 continue to hold him." Do you see that, sir?

17 **A. Yes.**

18 Q. Now, you refer in your report to
 19 Hanud's leaving the prison in Nablus as a
 20 release, right?

21 **A. Yes.**

1 **bomb the jail with an F-16.**

2 Q. What do you think the PA should have
 3 done after the Israelis blew up the jail that was
 4 holding him?

5 **A. They should have put him in another**
 6 **jail.**

7 Q. So the Israelis could blow that one
 8 up, too?

9 **A. Well, what they should have done is**
 10 **put him in another jail and come to us, the**
 11 **Americans and the Europeans, et cetera, and said,**
 12 **"We're only going to continue to hold people if**
 13 **this kind of rule will be respected, and he's in**
 14 **jail. If he's in jail, he's in jail. That's not**
 15 **fair game."**

16 Q. In fact, the Israelis repeatedly
 17 targeted PA security facilities for bombings
 18 during the second Intifada, didn't they?

19 **A. There were some instances where they**
 20 **hit Palestinian security facilities because they**
 21 **found that these Palestinian security facilities**

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<p>1 were being used as places to harbor individuals 2 and engage in attacks. Again, I might have made 3 a different call, but this was the nature of 4 dealing with a peace partner who was proclaiming 5 peace and proclaiming cease-fires on the one hand 6 and doing other things to undermine the peace 7 process on the other hand, often at the very same 8 time.</p> <p>9 We've seen these payments to known 10 individuals who have been engaging in terrorism 11 that were going on at the very same time as a 12 cease-fire.</p> <p>13 Q. On Page 9 of your report, you quote 14 someone named Marwan, M-A-R-W-A-N, Zaloum, 15 Z-A-L-O-U-M, right?</p> <p>16 A. Page 9? Where are you on Page 9?</p> <p>17 Q. Second paragraph.</p> <p>18 A. Yes.</p> <p>19 Q. And you've not spoken to Mr. Zaloum, 20 right?</p> <p>21 A. Right.</p>	<p>1 'vehement' condemnation of yesterday's Jerusalem 2 bombing, as the U.S. declared that the Al Aqsa 3 Martyrs Brigade was being added to the U.S. list 4 of terrorist organizations, along with al-Qaida."</p> <p>5 Now, you did not quote the portion of 6 this article that mentioned that President Arafat 7 had condemned that bombing, did you?</p> <p>8 A. No. Of course I wasn't talking about 9 the bombing here. I was not writing about the 10 bombing here.</p> <p>11 Q. And so you acknowledge that President 12 Arafat made that statement, right?</p> <p>13 A. Yes. I don't remember it, but there's 14 no reason to question this media account.</p> <p>15 Q. If you look at the ninth paragraph 16 down, it says, "'We condemn the action in west 17 Jerusalem, particularly because it was aimed at 18 innocent Israeli citizens,' said Arafat, who went 19 on to say that the PA 'will continue to invest 20 every effort to ensure the success of Zinni's 21 mission and of that of the 'Quartet', to stop the</p>
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<p>1 Q. Now, you cite an article in Footnote 2 Number 10 containing that quote from Mr. Zaloum, 3 right?</p> <p>4 A. Correct.</p> <p>5 MR. HILL: Let's mark this. 6 (Defendant's Deposition Exhibit Number 7 209 was marked for identification.)</p> <p>8 BY MR. HILL:</p> <p>9 Q. This is another article from Haaretz, 10 right?</p> <p>11 A. Yes.</p> <p>12 Q. This is what you cite in Footnote 10 13 of your report, right?</p> <p>14 A. Correct.</p> <p>15 Q. All right. This one's dated March 16 22nd, 2002.</p> <p>17 A. Correct.</p> <p>18 Q. All right. The first paragraph of 19 this article says, "A downcast Yasser Arafat 20 appeared on Palestinian TV last night and under 21 heavy American pressure read out, in Arabic, a</p>	<p>1 escalation and violence and start the 2 implementation of the Tenet understandings and 3 the Mitchell recommendations, to bring permanent 4 just peace, to end the occupation and guarantee a 5 better future for our children and their 6 children.'" Do you see that, sir?</p> <p>7 A. I do.</p> <p>8 Q. That's also a quote from President 9 Arafat that you did not include in your report, 10 right?</p> <p>11 A. Correct.</p> <p>12 Q. Are you familiar with someone called 13 Yasser Abed Rabo?</p> <p>14 A. Yes.</p> <p>15 Q. Who is Yasser Abed Rabo?</p> <p>16 A. He's a senior PA and Fatah official 17 who held multiple different roles over the course 18 of his career.</p> <p>19 Q. You ever interviewed Mr. Abed Rabo?</p> <p>20 A. I may have. I don't recall.</p> <p>21 Q. In the fifth paragraph from the</p>

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<p>1 bottom, the Haaretz reports, "Yasser Abed Rabo 2 said that, 'We cannot control everything. In 3 effect, the destruction and mourning caused by 4 the IDF operations in the last few weeks demands 5 of us deeper political work to convince the 6 military organizations to cease the attacks, not 7 only policing.'" Do you see that, sir? 8 A. I do. 9 Q. And that's another quote from a 10 Palestinian that you did not put in your report, 11 right? 12 A. Correct. 13 Q. On Page 10 of your report, at Footnote 14 18, you cite to this IDF Military Intelligence 15 report that we've looked at earlier today. Could 16 you find that one again, sir? 17 A. Find the report? 18 Q. Yeah. It's the one entitled The Al 19 Aqsa Martyrs Brigade and the Fatah Organization 20 are One and the Same. 21 A. You wouldn't happen to know what</p>	<p>1 A. I don't think so. 2 Q. Look at Paragraph b, it says, "Hassan 3 Yousef, a senior Hamas activist in Ramallah, 4 suggested to Arafat [in irony?] to 'calm the 5 Fatah down' and stop its operations. Arafat [on 6 the background of his inconvenience due to the Al 7 Aqsa Martyrs Brigades attack] replies to Hassan 8 Yousef that the brigades are Fatah personnel who 9 seceded." Do you see that, sir? 10 A. I do. 11 Q. All right. The brackets have been 12 added by the Israeli author of the report, right? 13 A. Right. 14 Q. You did not quote the statement 15 contained in this document where President Arafat 16 said that the AAMB are Fatah personnel who 17 seceded, did you? 18 A. Correct. 19 Q. It also says that, "Later in the 20 document, it is noted that Arafat tried to prove 21 that the Jerusalem pedestrian mall attack was</p>
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<p>1 exhibit number that is? 2 Q. I do not. 3 A. All right. We'll find it. 4 Q. It is Exhibit 200, sir. 5 A. You're one document ahead of me. All 6 right. 200. 7 (Witness Pausing.) 8 Q. Look, if you will, at Page 4 of 9 Exhibit 200, sir. 10 A. Page 4? 11 Q. Um-hum. 12 A. Okay. 13 Q. Paragraph 5 there refers to, "A 14 captured document concerned with a meeting of the 15 'National and Islamic Forces'." Do you see that, 16 sir? 17 A. I do. 18 Q. Have you ever looked at that document? 19 A. Possibly. 20 Q. Didn't cite that document in your 21 report, did you?</p>	<p>1 carried out by the PIJ and not the Al Aqsa 2 Martyrs Brigades [note: Also a lie]." Do you 3 see that? 4 A. Yes. 5 Q. And, again, the bracket indicating 6 that President Arafat was lying was added by the 7 Israeli author of the report? 8 A. Yes. 9 Q. And, in fact, the United States has 10 said that that particular attack was carried out 11 by the PIJ, right? 12 A. I'm not sure. 13 (Defendant's Deposition Exhibit Number 14 210 was marked for identification.) 15 BY MR. HILL: 16 Q. Dr. Levitt, I'm handing you what's 17 been marked as Exhibit Number 210. This is a 18 document called Patterns of Global Terrorism 19 2002. This is a document that you actually cite 20 in Footnote 13 in your report, right? 21 A. Yes.</p>

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<p>1 Q. Turn, if you would, to Page 85. On</p> <p>2 Page 85, it says, "21 March, Israel, in</p> <p>3 Jerusalem, a suicide bomber detonated the</p> <p>4 explosive device he was wearing, killing three</p> <p>5 persons and wounding 86, including two U.S.</p> <p>6 citizens, according to U.S. Consulate and media</p> <p>7 reporting. The Palestinian Islamic Jihad claimed</p> <p>8 responsibility." Do you see that, sir?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any reason to doubt that</p> <p>11 that was a PIJ attack?</p> <p>12 A. Plenty. I can't tell you who did it,</p> <p>13 but in this period of time, multiple groups would</p> <p>14 often claim the same attack. It was often very</p> <p>15 difficult, just claimed on claims of</p> <p>16 responsibility in a first instance, to know who</p> <p>17 did it, so it's very common, in fact, for claims</p> <p>18 to be later on found to be wrong.</p> <p>19 Q. Okay.</p> <p>20 A. So it's actually not the State</p> <p>21 Department saying this was saying this was</p>	<p>1 terrorist attacks, wanted to seem tougher than</p> <p>2 the next guy or what have you. Sometimes they</p> <p>3 would carry out -- I'm sorry. Sometimes they</p> <p>4 would issue competing claims because they didn't</p> <p>5 realize -- they were plotting an attack and</p> <p>6 didn't realize someone else was plotting an</p> <p>7 attack the same day and, you know, the other</p> <p>8 group succeeded before their guy got there and so</p> <p>9 they really thought it was their guy and it</p> <p>10 wasn't.</p> <p>11 There are lots of reasons why these</p> <p>12 claims were issued, and it often took time to</p> <p>13 figure out, for example, who the bomber was and</p> <p>14 do the forensics and then go back and figure who</p> <p>15 he belonged to or who dispatched.</p> <p>16 Q. The United States Government has</p> <p>17 provided money to the PA over the years, right?</p> <p>18 A. Yes.</p> <p>19 Q. And the United States Government has</p> <p>20 also given financial aid to Fatah, right?</p> <p>21 A. I don't know if that's true.</p>
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<p>1 carried out by PIJ, but the State Department</p> <p>2 saying that the PIJ claimed responsibility.</p> <p>3 Q. So the fact that somebody claims</p> <p>4 responsibility doesn't mean that they did it,</p> <p>5 right?</p> <p>6 A. On its own -- it may, but on its own,</p> <p>7 there's often -- in this time there's a lot of</p> <p>8 competing stuff going on. It says something</p> <p>9 about the group if that's the type thing they</p> <p>10 want to claim, whether or not they did it, right,</p> <p>11 but that alone.</p> <p>12 Q. In fact, there were groups at the time</p> <p>13 that claimed responsibility for things they</p> <p>14 didn't do because they thought it enhanced their</p> <p>15 credibility or their position in society, right?</p> <p>16 A. I don't know if that's the case.</p> <p>17 Q. But people were, for whatever reason,</p> <p>18 making false claims of responsibility for</p> <p>19 terrorist actions, right?</p> <p>20 A. There were multiple terrorist groups</p> <p>21 that, for whatever reason, wanted to carry out</p>	<p>1 Q. Did they aid Fatah in the 2006</p> <p>2 elections?</p> <p>3 A. I don't know.</p> <p>4 Q. The PA has never been designated by</p> <p>5 the United States as a foreign terrorist</p> <p>6 organization, right?</p> <p>7 A. So at one point the PA was kind of</p> <p>8 banned under the Reagan Administration. I don't</p> <p>9 think it was -- there was no --</p> <p>10 Q. The PA didn't exist in the Reagan</p> <p>11 Administration, did it, sir?</p> <p>12 A. I'm sorry. Did you say PA?</p> <p>13 Q. Yes, sir.</p> <p>14 A. I'm sorry. I was talking about the</p> <p>15 PLO.</p> <p>16 Q. Okay.</p> <p>17 A. So the PA was never banned.</p> <p>18 Q. It's never been designated as a</p> <p>19 foreign terrorist organization?</p> <p>20 A. No.</p> <p>21 Q. And the PLO has never received the</p>

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<p style="text-align: right;">Page 435</p> <p>1 State Department designation as a foreign 2 terrorist organization, right? 3 A. Not that title, no. 4 Q. And, in fact, the United States 5 Government has given money to the PA in recent 6 years, right? 7 A. Yes. 8 Q. Substantial amounts of money, right? 9 A. Yes. 10 Q. Millions and millions of dollars? 11 A. I don't know the number. 12 Q. And the U.S. Government also allows 13 the PLO to maintain offices in the District of 14 Columbia and New York, right? 15 A. Yes. They were shut down for a 16 period, but there was a little debate about it. 17 Q. You've also referenced the Canadian 18 Government's determinations about certain 19 terrorist groups in your report, right? 20 A. Can you put point me somewhere, 21 please?</p>	<p style="text-align: right;">Page 437</p> <p>1 A. Yes. 2 Q. You did not include the Canadian 3 Government's analysis of AAMB in your report, did 4 you, sir? 5 A. No. 6 Q. On Page 13 of your report, sir, you 7 have a quote from someone named Mahmoud Zahar, 8 M-A-H-M-O-U-D, Z-A-H-A-R? 9 A. In the last paragraph? 10 Q. Yes, sir. And it's Footnote 37 that 11 purports to quote Mr. Zahar? 12 A. Okay. Yep. 13 Q. And have you ever spoken with Mr. 14 Zahar? 15 A. No. 16 Q. And this particular article purports 17 to be quoting a speech he made. Did you listen 18 to the speech? 19 A. I don't recall. 20 Q. Was he speaking in a language you can 21 understand?</p>
<p style="text-align: right;">Page 436</p> <p>1 Q. Footnote 6 in your report, sir. 2 MR. HILL: Mark that. 3 (Defendant's Deposition Exhibit Number 4 211 was marked for identification.) 5 A. Yes. 6 BY MR. HILL: 7 Q. I've handed you what we've marked as 8 Exhibit 211. This is the Canadian list that you 9 refer to in Footnote 6 of your report on Page 9, 10 right? 11 A. Yes. 12 Q. All right. If you turn to Page 6 of 13 that report, sir, there's a reference to the 14 AAMB, right? 15 A. One second, please. Yes. 16 Q. And in that designation, the Canadian 17 Government states that the AAMB, "Consists of 18 loose cells of Palestinian militants loyal to, 19 but not under the direct control of, the 20 secular-nationalist Fatah party." Do you see 21 that, sir?</p>	<p style="text-align: right;">Page 438</p> <p>1 A. I don't recall if I listened to the 2 speech or not. If I did listen to it, it 3 probably would have been in Arabic and I would 4 have had it translated it, or received it in 5 translation. 6 (Defendant's Deposition Exhibit Number 7 212 was marked for identification.) 8 BY MR. HILL: 9 Q. And Mr. Zahar, who you're quoting 10 from, is someone who is associated with Hamas, 11 right? 12 A. Correct. 13 Q. And you have quoted him here on Page 14 13 in your report because you believe what he 15 said to be true, right? 16 A. Yes. 17 Q. Now, Mr. Zahar also said that 18 President Arafat had been assassinated. Do you 19 believe that to be true? 20 A. I'm sorry, where are you looking? 21 Q. Third paragraph from the bottom,</p>

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1 "Zahar claimed that Arafat's decision to
2 negotiate with Israel was one of the reasons that
3 led to his 'assassination'." Do you see that?

4 **A. Yes.**

5 Q. So do you believe Mr. Zahar when he
6 says that Arafat was assassinated?

7 **A. I believe that Mr. Zahar probably**
8 **thinks Arafat was assassinated. He wouldn't be**
9 **the only Palestinian to believe that.**

10 Q. So you did not put Mr. Zahar's claim
11 about President Arafat's assassination in your
12 report, right?

13 **A. No.**

14 Q. Now, what was the relationship between
15 Hamas and the PA at the time these statements
16 were made in 2010?

17 **A. By 2010, Hamas is in control of the**
18 **Gaza Strip, Fatah is in control of the West Bank,**
19 **and they are none too pleased with one another.**

20 Q. So would you agree with me that Mr.
21 Zahar had a motive to speak incorrectly about

1 PA was in cahoots with Hamas, right?

2 **A. Well, I don't see him saying that**
3 **here, so I don't have the context -- no,**
4 **actually, at one point he does towards the**
5 **bottom. He urges PA President Abbas to pull out**
6 **immediately from the talks with Israel.**

7 Q. So his statement could be designed to
8 torpedo the talks between the PA and Israel,
9 right?

10 **A. Right. It doesn't mean that it's**
11 **inaccurate. He's saying, "Look, even your**
12 **successor was involved in real resistance," as he**
13 **would put it. "Don't cop out to negotiations."**

14 Q. So you agree that he might have had a
15 motive to speak untruthfully on this occasion?

16 **A. No, I didn't say that. I don't think**
17 **he has motive to speak untruthfully. He probably**
18 **feels it's an opportunity to tell what happened**
19 **from his perspective and, thereby, put pressure.**
20 **What he has a motive of is to put pressure on Abu**
21 **Mazen.**

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1 President Arafat's actions during the second
2 Intifada?

3 **A. If he did, this would not have been**
4 **the way he would have done it. To a senior Hamas**
5 **official, this is singing praise of Arafat. If**
6 **he had wanted to speak ill of him, he would have**
7 **said that -- something along the lines of, "Well,**
8 **while we were sacrificing our sons for the cause**
9 **of liberation, Arafat was sitting comfy and not."**
10 **From a Hamas perspective, this would not be.**

11 Q. Well, this was at a time the successor
12 to President Arafat, President Abbas, was trying
13 to restart peace talks with Israel, right?

14 **A. I don't remember the exact dates, but**
15 **that's constantly been going on.**

16 Q. And Hamas is opposed to peace talks
17 with Israel, right?

18 **A. Correct.**

19 Q. These statements could be taken to
20 undermine the efforts of the PA to start peace
21 talks by suggesting that the former leader of the

1 Q. And you agree that making this
2 statement put pressure on Abu Mazen?

3 **A. No, I don't. I think that he thought**
4 **it might have. I think it probably backfired.**

5 Q. In what way?

6 **A. In that there was no way that Abu**
7 **Mazen was going to support violence. Abu Mazen**
8 **has come out very, very vocally many, many times**
9 **condemning the violence that happened during the**
10 **second Intifada and pledging to keep that very**
11 **far away from the Palestinian Authority.**

12 **He's one of the first people to**
13 **support the idea of creating a new Palestinian**
14 **security service of vetted people who were not**
15 **involved in the fighting in the second Intifada,**
16 **because so many of them were, even though those**
17 **people who were trained by the U.S. under the**
18 **Dayton Mission were also vetted by the Israelis.**

19 **So I think that Abbas has demonstrated**
20 **his commitment to try and push the negotiation**
21 **process forward for a two-state solution. I**

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<p>1 think there was no chance that because Hamas kind</p> <p>2 of, you know, waves its fist in the air, that Abu</p> <p>3 Mazen was going to be pressured to do the same.</p> <p>4 Q. On Page 14 of your report, you</p> <p>5 reference some cases of PA involvement in</p> <p>6 terrorist activity involving senior officials,</p> <p>7 and you say, "For example, there is evidence that</p> <p>8 Arafat approved funding for Palestinian</p> <p>9 terrorists, including a June 2002 payment of</p> <p>10 \$20,000 to the Al Aqsa Martyrs Brigades just as</p> <p>11 the group claimed responsibility for a suicide</p> <p>12 bombing in Jerusalem." Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. And in Footnote 38, which is the</p> <p>15 citation for the sentence I just read, you</p> <p>16 reference a New York Times article, right?</p> <p>17 A. Correct.</p> <p>18 MR. HILL: Mark this.</p> <p>19 (Defendant's Deposition Exhibit Number</p> <p>20 213 was marked for identification.)</p> <p>21 BY MR. HILL:</p>	<p>1 A. Yes.</p> <p>2 Q. And that's what you're referring to in</p> <p>3 your report, right?</p> <p>4 A. Yes.</p> <p>5 Q. Look at the next page, Page 3. It</p> <p>6 says, "The report, a senior official in</p> <p>7 Washington said today, was delivered by Israeli</p> <p>8 officials to the National Security Counsel, and</p> <p>9 the Central Intelligence Agency did not have much</p> <p>10 time to examine the information."</p> <p>11 So the report that you're referring to</p> <p>12 here, the evidence of the \$20,000, is an Israeli</p> <p>13 intelligence report, right?</p> <p>14 A. According to this.</p> <p>15 Q. And have you ever seen that Israeli</p> <p>16 intelligence report?</p> <p>17 A. No.</p> <p>18 Q. Have you ever spoken to anyone who has</p> <p>19 seen that report?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Do you have any idea what the content</p>
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<p>1 Q. Dr. Levitt, we've handed you Exhibit</p> <p>2 213. That is The New York Times article that you</p> <p>3 cite in Footnote 38 of your report, is that</p> <p>4 correct?</p> <p>5 A. Yes. An article, Bush Says</p> <p>6 Palestinians Will Lose Aid if They Keep Arafat.</p> <p>7 By the way, the printout here has some</p> <p>8 strange typographic errors. Every once in awhile</p> <p>9 it randomly prints out the number sign and a</p> <p>10 bunch of digits, and it appears to be instead of</p> <p>11 some word, FYI.</p> <p>12 Q. Hopefully that won't affect the</p> <p>13 relevant portion. Look at the bottom of the</p> <p>14 second page. The second paragraph from the</p> <p>15 bottom says, "The senior administration official</p> <p>16 who briefed reporters today confirmed that the</p> <p>17 President had received an intelligence report</p> <p>18 that Mr. Arafat had approved a \$20,000 payment to</p> <p>19 members of Al Aqsa Martyrs Brigades, a</p> <p>20 Palestinian terror organization." Do you see</p> <p>21 that, sir?</p>	<p>1 of that report is other than what some senior</p> <p>2 official in Washington told The New York Times?</p> <p>3 A. No.</p> <p>4 Q. Have you done anything to verify the</p> <p>5 assertion that President Arafat authorized a</p> <p>6 \$20,000 payment to the AAMB other than read The</p> <p>7 New York Times?</p> <p>8 A. Not this particular payment, no.</p> <p>9 Q. On Page 17, the second paragraph --</p> <p>10 hold on a second.</p> <p>11 In the third paragraph, the third</p> <p>12 sentence says, "In December 2001, Arafat would</p> <p>13 order the closure of Hamas and PIJ offices yet he</p> <p>14 rescinded the order days later." Do you see</p> <p>15 that?</p> <p>16 A. Yes.</p> <p>17 Q. And for that proposition, you cite an</p> <p>18 article, or maybe two articles, in Footnote 59,</p> <p>19 right?</p> <p>20 A. Correct.</p> <p>21 (Defendant's Deposition Exhibit</p>

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<p>1 Numbers 214 and 215 were marked for 2 identification.) 3 BY MR. HILL: 4 Q. These are the two newspaper articles 5 that you cite in Exhibit 59, right? 6 A. Yes. 7 Q. But neither of these actually says 8 that the order was rescinded, does it? 9 A. I don't know. Let's have a look and 10 see. 11 (Witness Reviews Document.) 12 A. No, not in these. 13 Q. Later on that same page, in the third 14 paragraph, you say, "That same month, the 15 official Palestinian news agency WAFA reported 16 that the PA leadership had declared a state of 17 emergency which stipulated that 'only security 18 personnel and other licensed persons are allowed 19 to carry any sort of weapon.' Despite this 20 declaration, and its relevant Oslo commitments, 21 Arafat again disappointed as the PA did not</p>	<p>1 part of that statement. 2 Q. Okay. So there is no document cited 3 for the second part of the statement, right? 4 A. No. 5 MR. HILL: Why don't we take a break. 6 I'm probably close to out of time, but let me 7 consult with my colleagues and see what my maybe 8 last question is. 9 MR. HORTON: Sure. 10 (Brief Recess.) 11 MR. HILL: Dr. Levitt, I don't have 12 any further questions for you at this time. 13 THE WITNESS: It's been a pleasure. 14 THE REPORTER: Reading and signing, 15 counsel? 16 MR. HORTON: Yes. 17 THE REPORTER: And copy of the 18 deposition? 19 MR. HORTON: Please. 20 (Reading and signing requested.) 21 (Deposition concluded at 3:29 p.m.)</p>
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<p>1 immediately begin the systematic confiscation of 2 the thousands of illegal weapons in the hands of 3 Hamas, PIJ, PFLP, PRC, and Fatah-associated 4 groups such as the Al Aqsa Martyrs Brigade." And 5 then you cite for that proposition Footnote 60, 6 right? 7 A. Correct. 8 MR. HILL: Let's mark this. 9 (Defendant's Deposition Exhibit Number 10 216 was marked for identification.) 11 BY MR. HILL: 12 Q. Dr. Levitt, we've handed you what 13 we've marked as Exhibit Number 216. This is the 14 document that you cite in Footnote 60, right? 15 A. Correct. 16 Q. And you would agree with me that this 17 document does not say that Arafat did not 18 immediately begin the systematic confiscation of 19 the thousands of illegal weapons? 20 (Witness Reviews Document.) 21 A. No, this is the citation for the first</p>	<p>1 CERTIFICATE OF CERTIFIED COURT REPORTER 2 I, CHERYL JEFFERIES, a Certified Court 3 Reporter, do hereby certify that the within-named 4 witness personally appeared before me at the time 5 and place herein set out, and after having been 6 duly sworn by me, according to law, was examined 7 by counsel. 8 I further certify that the examination 9 was recorded stenographically by me and this 10 transcript is a true record of the proceedings. 11 I further certify that I am not of 12 counsel to any of the parties, nor in any way 13 interested in the outcome of this action. 14 As witness my hand this 30th day of 15 September, 2013. 16 ----- 17 Cheryl Jefferies 18 Certified Court Reporter 19 20 21</p>

Sokolow v. the PLO

1 DATE SENT: September 30, 2013
2 ERRATA SHEET
3 DEPOSITION OF: Dr. Matthew Levitt - Volume II
4 DATE: September 25, 2013
5 CASE: Mark Sokolow, et al vs. The
Palestine Liberation Org, et al

INSTRUCTIONS:

1. Please read the transcript of your deposition and make note of any corrections or changes on this Errata Sheet.
2. Indicate below general reason for change, such as:
 - A. To correct stenographic error.
 - B. To clarify record.
 - C. To conform to the facts.

3. Sign the Certificate of Deponent page.

4. Within 30 days of the Date Sent, return this Errata Sheet, and signed Certificate of Deponent, to the Attorneys listed on the Appearance page.

PAGE #	LINE #	CORRECTION	REASON
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1 CERTIFICATE OF DEPONENT
2 I hereby certify that I have read and
3 examined the foregoing transcript and:
4 (Check one of the following)
5 () The same is a true and accurate
6 record of the testimony given by me, and I have
7 made no corrections to this transcript.

-OR-

9 () Any additions or corrections
10 that I feel are necessary, I have listed on the
11 attached Errata Sheet.

12 As witness my hand and signature this
13 _____ day of _____.

DR. MATTHEW LEVITT

ERRATA SHEET			
DEPOSITION OF DR. MATTHEW LEVITT - VOLUME II			
PAGE #	LINE #	CORRECTION	REASON
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